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Documents of the Plenipotentiary Conference (Nice, 1989)

To reduce download time, the ITU Library and Archives Service has divided the conference documents into sections.

- This PDF includes Document No. 301-400
- The complete set of conference documents includes Document No. 1-529, Document DT No. 1-82 and Document DL No. 1-57

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 301-E

15 June 1989

Original: French

COMMITTEE 4

Note by the Secretary-General

CONTRIBUTIONS OF MEMBERS OF THE UNION

REPUBLIC OF LIBERIA

In Document 289 submitted to the Finance Committee of this Conference, the Republic of Liberia describes the situation with regard to its unpaid contributions to the Union and requests that the sum corresponding to its contributions in arrears should be transferred to the special arrears account.

The above-mentioned document contains a statement to the effect that the Republic of Liberia undertakes to settle its unpaid contributions for 1978 to 1989 over a period of time to be agreed and that it will honour its obligations in respect of contributions on an annual basis.

The Republic of Liberia's financial position vis-à-vis the Union is set out in the annex to this document.

The Finance Committee is requested to take a decision on the matter.

R.E. BUTLER
Secretary-General

Annex : 1

ANNEX

REPUBLIC OF LIBERIA'S UNPAID CONTRIBUTIONS

Years	Contributions	Interests as at 31.12.88	Total due Swiss francs	Class of contribution
1978	-	78,088.60	78,088.60	1
1979	126,400.--	95,216.55	221,616.55	1
1980	126,400.--	82,837.50	209,237.50	1
1981	135,700.--	76,385.15	212,085.15	1
1982	168,650.--	79,780.35	248,430.35	1
1983	176,600.--	68,921.35	245,521.35	1
1984	-	-	-	1/4
1985	60,110.--	14,405.40	74,515.40	1/4
1986	58,264.--	10,046.70	68,310.70	1/4
1987	60,972.--	6,475.20	67,447.20	1/4
1988	57,994.--	2,609.70	60,603.70	1/4
-	971,090.--	514,766.50	1,485,856.50	
1989	59,720.--	-	59,720.--	1/4
-	1,030,810.--	514,766.50	1,545,576.50	-

**PLENIPOTENTIARY
CONFERENCE**

NICE, 1989

Corrigendum 1(Rev.1) to
Document 302-E
25 June 1989

B.5(Corr.1(Rev.1))

PLENARY MEETINGFIFTH SERIES OF TEXTS SUBMITTED BY THE
EDITORIAL COMMITTEE TO THE PLENARY MEETINGThe following texts are submitted to the Plenary Meeting for first reading:

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM.4	416	Resolution No. COM4/5

Replace pages B.5/2 and B.5/3 by the following:M. THUE
Chairman of Committee 10Annex: 2 pages

RESOLUTION No. COM4/5

Settlement of Accounts in Arrears

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

in view of

a) the Report of the Secretary-General to the Plenipotentiary Conference on
the situation with regard to amounts owing to the Union;

b) Resolution No. 10 of the Plenipotentiary Conference
(Malaga-Torremolinos, 1973);

c) Resolution No. 53 of the Plenipotentiary Conference (Nairobi, 1982),

noting with satisfaction

a) that Chile, Costa Rica, the Republic of Haiti, Peru, the Eastern Republic
of Uruguay and the Yemen Arab Republic with regard to Resolution No. 10 of the
Malaga-Torremolinos Conference and the Central African Republic with regard to
Resolution No. 53 of the Nairobi Conference have settled their debts in full;

b) that the Republic of El Salvador has been regularly reducing its debt and
that only one further payment remains to be received by the Union,

regretting

that the Republic of Bolivia and the Dominican Republic with regard to
Resolution No. 10 of the Malaga-Torremolinos Conference and the Republic of Guatemala,
the Islamic Republic of Mauritania and the Republic of Chad with regard to
Resolution No. 53 of the Nairobi Conference have not put forward any schedule for the
settlement of their debts,

considering

that it is in the interests of all Members of the Union to maintain the finances
of the Union on a sound footing,

resolves

1. for the Republic of Sudan

1.1 that the contributions for the years 1980 to 1983, amounting to
567,047.95 Swiss francs, shall be transferred to the special
arrears account bearing no interest;

1.2 that the interest on arrears, namely, 306,507.55 Swiss francs,
shall be transferred to the special interest account;

2. for the Republic of Liberia

- 2.1 that the contributions for the years 1979 to 1989, amounting to 1,030,810 Swiss francs, shall be transferred to the special arrears account bearing no interest;
- 2.2 that the interest on arrears, namely, 514,766.50 Swiss francs, shall be transferred to the special interest account;

3. for the Islamic Federal Republic of the Comoros

- 3.1 that the contributions and the amounts owing for publications for the years 1978 to 1989, amounting to 612,205.20 Swiss francs, shall be transferred to the special arrears account bearing no interest;
- 3.2 that the interest on arrears, namely, 285,725.45 Swiss francs, shall be transferred to the special interest account;

4. for the Republic of Guatemala

- 4.1 that the contributions and the amounts owing for publications for the years 1982 to 1987, amounting to 198,405.70 Swiss francs, shall be transferred to the special arrears account bearing no interest;
- 4.2 that the interest on arrears, namely, 70,705.05 Swiss francs, shall be transferred to the special interest account;

5. that the transfer to the special arrears account shall not release the countries concerned from the obligation to settle their arrears;

6. that the amounts due in the special arrears account shall not be taken into account when applying No. 117 of the Nairobi Convention;

7. that this Resolution shall not in any circumstances be invoked as a precedent;

instructs the Secretary-General

1. to negotiate with the competent authorities of all the countries in arrears in the payment of their contributions, the terms for the staggered payment of their debts;

2. to report annually to the Administrative Council on the progress made by these countries towards repaying their debts;

invites the Administrative Council

1. to study ways of settling the special interest account;

2. to adopt appropriate measures for the application of this Resolution;

3. to report to the next Plenipotentiary Conference on the results obtained in pursuance of this Resolution.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to
Document 302-E
24 June 1989

B.5(Corr.1)

PLENARY MEETING

FIFTH SERIES OF TEXTS SUBMITTED BY THE EDITORIAL COMMITTEE TO THE PLENARY MEETING

The following texts are submitted to the Plenary Meeting for first reading:

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM.4	416	Resolution No. COM4/5

Replace pages B.5/2 and B.5/3 by the following:

M. THUE
Chairman of Committee 10

Annex: 2 pages

RESOLUTION No. COM4/5

Settlement of Accounts in Arrears

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

in view of

a) the Report of the Secretary-General to the Plenipotentiary Conference on
the situation with regard to amounts owing to the Union;

b) Resolution No. 10 of the Plenipotentiary Conference
(Malaga-Torremolinos, 1973);

c) Resolution No. 53 of the Plenipotentiary Conference (Nairobi, 1982),

noting with satisfaction

a) that Chile, Costa Rica, the Republic of Haiti, Peru, the Eastern Republic
of Uruguay and the Yemen Arab Republic with regard to Resolution No. 10 of the
Malaga-Torremolinos Conference and the Central African Republic with regard to
Resolution No. 53 of the Nairobi Conference have settled their debts in full;

b) that the Republic of El Salvador has been regularly reducing its debt and
that only one further payment remains to be received by the Union,

regretting

that the Republic of Bolivia and the Dominican Republic with regard to
Resolution No. 10 of the Malaga-Torremolinos Conference and the Republic of Guatemala,
the Islamic Republic of Mauritania and the Republic of Chad with regard to
Resolution No. 53 of the Nairobi Conference have not put forward any schedule for the
settlement of their debts,

considering

that it is in the interests of all Members of the Union to maintain the finances
of the Union on a sound footing,

resolves

1. for the Republic of Sudan

1.1 that the contributions for the years 1980 to 1983, amounting to
567,047.95 Swiss francs, shall be transferred to the special
arrears account bearing no interest;

1.2 that the interest on arrears, namely, 306,507.55 Swiss francs,
shall be transferred to the special interest account;

2. for the Republic of Liberia

- 2.1 that the contributions for the years 1979 to 1989, amounting to 1,030,810 Swiss francs, shall be transferred to the special arrears account bearing no interest;
- 2.2 that the interest on arrears, namely, 514,766.50 Swiss francs, shall be transferred to the special interest account;

3. for the Islamic Federal Republic of the Comoros

- 3.1 that the contributions and the amounts owing for publications for the years 1978 to 1989, amounting to 612,205.20 Swiss francs, shall be transferred to the special arrears account bearing no interest;
- 3.2 that the interest on arrears, namely, 285,725.45 Swiss francs, shall be transferred to the special interest account;

4. that the transfer to the special arrears account shall not release the countries concerned from the obligation to settle their arrears;

5. that the amounts due in the special arrears account shall not be taken into account when applying No. 122 of the Constitution;

6. that this Resolution shall not in any circumstances be invoked as a precedent;

instructs the Secretary-General

1. to negotiate with the competent authorities of all the countries in arrears in the payment of their contributions, the terms for the staggered payment of their debts;

2. to report annually to the Administrative Council on the progress made by these countries towards repaying their debts;

invites the Administrative Council

1. to study ways of settling the special interest account;

2. to adopt appropriate measures for the application of this Resolution;

3. to report to the next Plenipotentiary Conference on the results obtained in pursuance of this Resolution.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 302-E
15 June 1989

B.5

PLENARY MEETING

FIFTH SERIES OF TEXTS SUBMITTED BY THE EDITORIAL COMMITTEE TO THE PLENARY MEETING

The following texts are submitted to the Plenary Meeting for first reading:

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM.4	294	Resolution No. COM4/4 Resolution No. COM4/5

M. THUE
Chairman of Committee 10

Annex: 3 pages

RESOLUTION No. COM4/4

**Absorption of Shortfall in Technical Cooperation Special Accounts
1980 - 1989**

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

in view of

the provisions of Resolution No. 16 of the Plenipotentiary Conference
(Nairobi, 1982), particularly those concerning:

- the decisions of the Governing Council of the United Nations Development Programme (UNDP) relating to the existing arrangements for reimbursing the support costs of the United Nations specialized agencies;
- the ITU's responsibility within the framework of its relationship with UNDP,

having noted

that the shortfall in income to cover expenditure in Technical Cooperation Special Accounts for the years 1980 to 1989 inclusive is estimated at 17,226,870 Swiss francs, of which 13,026,870 Swiss francs have already been amortized between 1986 and 1989,

instructs the Administrative Council

to continue its endeavours to find ways and means of absorbing, within a reasonable space of time, the remaining shortfall in income, estimated at 4,200,000 Swiss francs.

RESOLUTION No. COM4/5

Settlement of Accounts in Arrears

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

in view of

a) the Report of the Secretary-General to the Plenipotentiary Conference on the situation with regard to amounts owing to the Union;

b) Resolution No. 10 of the Plenipotentiary Conference (Malaga-Torremolinos, 1973);

c) Resolution No. 53 of the Plenipotentiary Conference (Nairobi, 1982),

noting with satisfaction

a) that Chile, Costa Rica, the Republic of Haiti, Peru, the Eastern Republic of Uruguay and the Yemen Arab Republic with regard to Resolution No. 10 of the Malaga-Torremolinos Conference and the Central African Republic with regard to Resolution No. 53 of the Nairobi Conference have settled their debts in full;

b) that the Republic of El Salvador has been regularly reducing its debt and that only one further payment remains to be received by the Union,

regretting

that the Republic of Bolivia and the Dominican Republic with regard to Resolution No. 10 of the Malaga-Torremolinos Conference and the Republic of Guatemala, the Islamic Republic of Mauritania and the Republic of Chad with regard to Resolution No. 53 of the Nairobi Conference have not put forward any schedule for the settlement of their debts,

considering

that it is in the interests of all Members of the Union to maintain the finances of the Union on a sound footing,

resolves

1. that the Republic of Sudan's contributions for the years 1980 to 1983, amounting to 567,047.95 Swiss francs, shall be transferred to a special arrears account bearing no interest;

2. that the interest on arrears charged to the Republic of Sudan, namely, 306,507.55 Swiss francs, shall be transferred to a special interest account;

3. that the transfer to the special arrears account shall not release the Republic of Sudan from the obligation to settle its arrears;

4. that the amounts due in the special arrears account shall not be taken into account when applying No. 122 of the Constitution;

invites the Administrative Council

to study ways of settling the special interest account.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to
Document 303-E
27 June 1989
Original: Spanish/
English

SUMMARY RECORD

OF THE

EIGHTH AND LAST MEETING OF COMMITTEE 5

1. Paragraph 1.27

Replace by the following:

"1.27 The delegate of Japan said that the pension scheme should be compatible with the United Nations common system and that his Delegation was in favour of the first alternative".

2. Paragraph 1.35

Replace by the following:

"1.35 The delegate of Mexico asked whether what the Chairman of the Committee had meant by his remarks at the beginning of the discussion was that both alternatives would be submitted to the Plenary Meeting if no clear majority emerged in favour of one or other of them".

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 303-E

23 June 1989

Original: French

COMMITTEE 5

SUMMARY RECORD

OF THE

EIGHTH AND LAST MEETING OF COMMITTEE 5

(STAFF MATTERS)

Saturday, 10 June 1989, at 0940 hrs

Chairman: Mr. F. MOLINA NEGRO (Spain)

Subjects discussed:

Documents

- | | |
|---|--------------------------------|
| 1. Pension matters - draft Resolution | DT/37 |
| 2. Draft Constitution (Document A) - Article 13 | DT/26 |
| 3. Draft Resolution on human resources | - |
| 4. Salaries of elected officials | 31 |
| 5. Other documents submitted to Committee 5 | 24 to 28,
33, 40,
46, 97 |
| 6. Statement by the Chairman of the Staff Council | - |
| 7. Closure of the Committee's work | - |

After opening the meeting, the Chairman welcomed Mrs. F. Sala, the participants' representative on the Pensions Committee and asked her to take the floor.

Mrs. Sala said that the meetings of Committee 5 were of special interest to the staff which, she was sure, would find that its confidence in the Staff Committee was well placed.

1. Pension matters - draft Resolution (Document DT/37)

1.1 The Vice-Chairman of Committee 5, who had chaired the Drafting Group set up at the sixth meeting of the Committee, said that the members of the Drafting Group which had prepared draft Resolution No. COM5/1 had agreed on the preambular part of the Resolution, apart from the paragraph between square brackets beginning with the words "further concerned". They had not been able to agree on the operative part of the Resolution, which was why there were two alternative texts. It was up to the eighth meeting of the Committee to decide which alternative text should appear in the final version of the draft Resolution.

1.2 The Chairman said that, if delegates could not agree on one of the two alternatives, the Resolution would be submitted as it stood to the Plenary Meeting. He drew attention to the fact that, in the second line of the operative paragraph beginning "invites", the text should read "ITU Members" instead of "Members".

1.3 The delegate of the United States asked whether the two alternative texts, which had specific financial implications, should not be considered by Committee 4 so that Committee 5 could then submit one version to the Plenary Meeting after taking into account the suggestions of Committee 4.

1.4 The Chairman said that time was short and that the important point was to ascertain whether the action required by the second alternative text should or should not be regarded as involving measures subject to a financial limit.

1.5 The Secretary of the Committee said that both texts had implications from the financial point of view. The Administrative Council had to apply any decision adopted within the framework of the United Nations common system.

1.6 The Secretary of Committee 4 said that any change in the United Nations common system could be regarded, in accordance with the present Additional Protocol I, as involving expenditure outside the financial limits. If a change in the common system were involved, it would not therefore be necessary to make provision for it in expenditure included within the financial limits. The Chairman said that that possibility was available in connection with the first alternative text and he wondered whether that was also the case for the second alternative.

1.7 The delegate of the Federal Republic of Germany, referring to the cost of each of the alternative systems, said that, according to section 11 of Document 30, the maximum cost to the ITU would be 700,000 Swiss francs on the basis of the present wage bill, which represented 2% of the net salaries of staff in the Professional and higher categories eligible to participate in the Planned Purchasing Power Protection Insurance (PPPI). He would be interested to know whether any future cost trend could be foreseen.

1.8 The Secretary of Committee 4 said that, according to Document 30, the annual cost to the ITU could be reduced from 700,000 Swiss francs to 560,000 Swiss francs (September 1988 value). He thought that an actuarial study should be carried out before the next Plenipotentiary Conference to find out whether the Union should continue to make that payment. He said that the total sum required would be 1,060,000 Swiss francs as from 1991.

1.9 The delegate of the United States said that, if alternative text 1 were adopted by the Committee, the financial limit would continue to be established on the basis laid down as at 1 April 1989 and would be adjusted later by changes in the common system. He said he would like to have further details as well as more information on the additional limit to be envisaged if the second alternative text were adopted. It would be useful if the sums which had been mentioned could be repeated for the benefit of delegates.

1.10 The Secretary of Committee 4 drew attention to section 21 of Document 30 which referred to a single capital payment of 5,600,000 Swiss francs which could be replaced by annual payments of 500,000 Swiss francs for a number of years.

1.11 Summing up the discussion on the question of the amounts involved, the Chairman said that, if the second alternative text were to be adopted, provision would have to be made for a financial limit corresponding roughly to the figures mentioned by the Secretary of Committee 4. He invited the Committee to begin its consideration of the text of the draft Resolution, starting with the preambular paragraph between square brackets which began with the words "further concerned". The question was whether to delete the square brackets or to delete the paragraph as a whole.

1.12 The Chairman asked whether any delegates objected to the deletion of the square brackets.

1.13 The delegates of the United States and the United Kingdom objected to the deletion of the square brackets.

1.14 The Chairman asked which delegates did not object to the deletion of the square brackets and were in favour of retaining the paragraph included within the brackets. He noted that there was a clear majority of such delegates and that it was regrettable that so few delegates took part in the discussions of the Committee, which meant that the opinions expressed were very relative.

The text was adopted, the square brackets having been deleted.

1.15 The delegate of the United States said it would be desirable to have a clearer definition of the concept of "countries with strong currencies" which appeared in the paragraph under consideration.

1.16 The delegate of the United Kingdom emphasized that concern had already been expressed in the paragraph beginning with the word "concerned". The Committee's concern could not however be confined to specific categories of staff. It must extend to the pensions of the staff on the whole.

1.17 The delegate of Australia said it would perhaps be useful to have further explanations of why some delegates were in favour of deleting the paragraph and others were in favour of retaining it.

1.18 The Chairman noted that the Committee was dealing with problems confronting a specific category of the staff.

1.19 On the subject of the definition of the "countries with strong currencies", the Secretary of the Committee said that he had looked for an answer in the Report of the United Nations Joint Staff Pension Board to the 42nd United Nations General Assembly. Section 38 of that Report listed those countries which were regarded as being strong currency countries and referred to the impact of currency fluctuations. He read out the text.

1.20 The Chairman said that the paragraph which had appeared between square brackets would be reproduced without brackets in the draft Resolution.

He asked delegates to express their views on the two alternative texts appearing under "instructs the Administrative Council" before voting.

1.21 The delegate of Côte d'Ivoire said it would be useful if the Committee could be informed of the discussions which had taken place the previous day within the Working Group. It had to be remembered that the ITU staff were subject to the provisions applicable within the United Nations common system. The interim measures adopted following the fluctuations in the exchange rate of the dollar would end on 31 December 1990. The Committee had to comply with the legal provisions in force and he wondered what legal provisions the ITU could invoke to adopt measures different from those in the common system. If no decision was taken before the meeting to be held before the end of 1990, the Administrative Council must adopt and apply the Planned Purchasing Power Protection Insurance which had been submitted to the Committee for consideration. He wondered whether there were any legal provisions which would enable the Committee to take decisions which deviated from those of the United Nations on the subject of pensions.

1.22 The Secretary-General referred to Annex 3 of the Nairobi Convention, "Agreement between the United Nations and the International Telecommunication Union", and in particular to Article VIII on personnel arrangements. He said that the ITU had not made a study of all aspects of the common system. The legal problem involved was dealt with in the annex to Document 30 in which the Legal Adviser discussed the position of the ITU.

1.23 The delegate of the United Kingdom expressed his appreciation to the staff of the ITU for the work it had performed since the last Plenipotentiary Conference. However, the United Kingdom Administration fully supported the United Nations common system which was designed to provide staff with equitable salaries and pensions irrespective of the organization for which they worked and irrespective of their duty stations. Like other delegations, the United Kingdom Delegation wished to respond to the legitimate claims of the ITU staff and in his view, the first alternative text did constitute an honest response to the concerns of the staff, which meant decisions which could be implemented. His Delegation was opposed to any action which might weaken the foundations of the United Nations common system. Delegates who might be tempted to take unilateral measures should reconsider their position. It was vital that all delegations should do everything to ensure that the concerns of the staff of the Union were properly understood by the competent bodies in New York.

1.24 The Chairman said that the members of the Committee should now vote for one or other of the two alternative texts, but he emphasized that they did not have to support either of the texts.

1.25 The delegate of Canada said that, whenever the subject of pensions had come up before the Administrative Council or the Plenipotentiary Conference, his Delegation had attempted to support measures which were in conformity with the common system. He reiterated his support for that system. Personally, he was not entirely satisfied with either of the two alternative texts which had been submitted. The Administrative Council should follow the development of the situation since it was its duty to take appropriate action but that action must be consistent with the common system. He would have preferred the Committee to have worked out a formula which would have satisfied both standpoints which had been expressed.

1.26 The delegate of the USSR said that his country's Administration felt great respect for the staff of the ITU, as for the staff of the other organizations, and had often given proof of the fact. However, even though it was not always satisfied with the action taken by the common system, it remained attached to it and hence could not agree to unilateral measures which might damage it. He based that opinion on two paragraphs of United Nations General Assembly resolution 33/119. It seemed to him that the second alternative involved a risk of unilateral action likely to undermine the common system. For that reason, his Delegation preferred the first alternative, which did not exclude the possibility of taking some measures, but always within the common system.

1.27 The delegate of Japan said that no pension system could be incompatible with the United Nations common system and that his Delegation was in favour of the first alternative.

1.28 The Chairman considered that the arguments being put forward were not much more than a repetition of what had been said the first time round. Opinions still differed as to the compatibility of the second alternative with the common system.

1.29 The delegate of Australia considered that paragraph 1 of the second alternative contained a statement which was incompatible with the common system and hence with the preceding paragraphs of the draft Resolution. As to paragraph 2 of the second alternative, it played with words in a dangerously imprecise way. Obviously an attempt could be made to exercise greater influence on the outcome of the general review being made in New York by referring to measures likely to weaken the cohesion of the common system, but delegates should be aware of the consequences that the adoption of that alternative would have in the future for the Administrative Council and the ITU staff.

1.30 The delegate of Switzerland also considered that the debate was merely a repetition of what had been said before. He would not go over Switzerland's position again, since it had already been spelt out, but would ask the Chairman to close the debate.

1.31 The delegate of France considered that the debate so far showed how difficult the question was to resolve, particularly for certain delegations including his own. To close the debate, as proposed by the delegate of Switzerland, would mean that the Committee would not be settling the question, but merely transmitting the Resolution with the two alternatives either to Committee 4 or to the Plenary Meeting, which was a good indication of the difficulties and problems encountered by each delegation.

1.32 The Chairman considered that a third possibility, and the easiest course open to the Committee, was in fact to transmit the text as it stood with the two alternatives to the Plenary Meeting. He noted however that only 38 delegates were present. He adjourned the debate on Document DT/37 and asked delegations to take a position on the proposal to submit the text as it stood to the Plenary Meeting.

Only two delegations declared themselves in favour of the proposal, a large majority wanting the question to be settled in Committee 5. Accordingly, the Chairman asked delegations to take a decision on the first alternative text.

1.33 The delegate of the Federal Republic of Germany reminded the Committee of the rule that only countries with the right to vote could take part in the vote. He thought that on the present question a vote by raising hands would be more acceptable than one by roll call.

1.34 The Chairman invited delegates of Members which did not have the right to vote to refrain from voting voluntarily.

1.35 The delegate of Mexico wondered whether it would be possible to submit the two alternatives to the Plenary Meeting if no clear majority emerged in the Committee in favour of either of the possible solutions.

1.36 The Chairman replied that the Committee would submit whatever decision it took to the Plenary Meeting. Any delegation would however have the right to submit any alternative or proposal it saw fit to the Plenary Meeting as well.

1.37 The delegate of Lesotho observed that only 38 delegates were present and wondered whether in those circumstances it was a good idea to proceed to a vote; many of those who were absent were attending other meetings. It would be preferable to submit the text as it stood to the Plenary Meeting.

1.38 The Chairman pointed out that the rules of procedure did not lay down a quorum for Committee meetings and that the Committee was thus perfectly entitled to take a decision on the question. Naturally, when the time came to submit the decision to the Plenary Meeting, he would inform it how many had taken part in the vote. In any case, he stressed that a delegation was always entitled to express its views during the discussion in the Plenary Meeting.

1.39 The delegate of Morocco asked for clarification of the voting procedure. He referred to No. 543 of the Convention on abstentions and asked whether, given the number of persons present, the Committee was in a position to proceed to a vote.

1.40 The Chairman said that decisions were taken by a majority of delegations "present and voting". Thus, absentees could not be regarded as abstaining. He repeated that he would inform the Plenary Meeting clearly of the fact that only 38 delegations had been present. The Committee was thus abiding fully by ITU rules of procedure. He invited delegates to proceed to the vote, pointing out that the adoption of one alternative automatically excluded adoption of the other.

The adoption of each of the alternatives was put to the vote: the first alternative was adopted by 26 votes to 7, with 4 abstentions; the second alternative was rejected by 24 votes to 8, with 5 abstentions.

The Committee had thus adopted the first alternative.

The Chairman declared the discussion on item 2 closed.

1.41 The participants' representative in the Pension Committee considered that the Committee had just taken an extremely serious decision. The problem of monetary fluctuations in the common system was not a new one. For years, the organs of the common system, the Joint Staff Pension Board and the International Civil Service Commission (ICSC) had been concerning themselves with the issues involved, which were not easy to resolve. Following Resolutions adopted by previous Plenipotentiary Conferences and by the Administrative Council, the ITU had succeeded, despite limited resources, in working out a Pension Purchasing Power Insurance scheme, a very logical and consistent scheme, which, according to the legal opinions that had been obtained, was not in any way at variance with the common system. The decision just taken destroyed the hopes that the ITU staff had cherished for years. She did not want there to be any doubt about the very serious consequences that would follow if that decision were confirmed by the Plenary Meeting of the Plenipotentiary Conference. The alternative adopted was a retreat from what had been agreed upon previously. She thanked those States that had understood the problem which staff members were faced with and which caused them serious concern.

1.42 The delegate of the United Kingdom considered that the decision taken was a good one. He undertook to inform his Administration of the perfectly clear message contained in the draft Resolution.

2. Draft Constitution (Document A) - Article 13 (Document DT/26)

2.1 The Chairman invited the Committee to return to the question of the last proposal in Document DT/26 on Article 13. Replying to a question from the delegate of the USSR, he said that the Committee still had to take a decision on the question. He invited delegations to do so. In the absence of support, the proposal was rejected.

3. Draft Resolution on human resources

3.1 The Chairman reminded the Committee that at the previous meeting there had been talk, in connection with staff training, of a draft Resolution on human resources. There was no text on that subject before the Committee, which would have to decide whether it should do anything about it. No draft Resolution had so far been forthcoming. The present meeting was the Committee's last one, so that it would have to either meet again in the following week to consider the matter or refer it to the Plenary Meeting. It was thus up to interested parties to meet and draft a text to be submitted either to the Committee or to the Plenary Meeting.

3.2 The delegate of the Netherlands said he was interested in a Resolution on the development of human resources. He wondered, however, whether the Committee ought to prepare a final report on the question and whether, if so, the text should be considered by the Committee or by the Plenary Meeting.

3.3 The delegate of Norway, giving his personal point of view, said he thought the instructions received by many delegates from their administrations ran counter to their own common sense and personal opinions. It seemed to him that people did not give enough thought to the ITU staff, that good staff would end up leaving the Union and that the quality of work would steadily go down. If nothing was decided at the present Conference, it would be several years before there was another opportunity to act. He urged all delegations to be guided in the debate by common sense. His Delegation was willing to help draw up a draft Resolution, if necessary at an extra meeting to be held the following week.

3.4 The Chairman pointed out that when a decision was taken, all that counted was delegations' official positions, and not delegates' personal comments. Every meeting of the Committee gave rise to a record. If any delegation thought that this or that part was not correct, it could propose amendments. It was important that the text of the record should be approved in the Committee, but unless it held an extra meeting, the text would be submitted to the Plenary Meeting. At such an extra meeting, delegates would be able to discuss a text on human resources or any other matter within the Committee's terms of reference.

4. Salaries of elected officials (Document 31)

4.1 The Secretary of the Committee said he wished to return to the question of the salaries of elected officials in the light of the draft Resolution considered the previous day. That text was an updating of Resolution No. 55 of the Nairobi Plenipotentiary Conference.

4.2 The Chairman invited the Committee to consider the operative part of the draft Resolution (Document 31), and in particular paragraph 2 under "instructs the Administrative Council".

4.3 The delegate of the United States said that after consulting a member of the Personnel Department, he suggested deleting the last part of paragraph 2 under "instructs the Administrative Council".

4.4 The Deputy Head of the Personnel Department explained that there might be a conflict between the percentages in the first part of the draft Resolution under "resolves" and those that might result from application of the methodology approved by the United Nations. Referring to the table on page 4 of the document, he pointed out that the coefficients applicable in Resolution No. 55 and those applicable with regard to pensionable remuneration were different. Was it the decision of the Plenipotentiary Conference or the United Nations methodology that had priority? The draft text submitted was designed to avoid any such conflict.

4.5 The delegate of the United States asked whether it would be possible to word the end of paragraph 2 under "instructs the Administrative Council" along the following lines: "provided that any appropriate percentage is applied to each individual element of the remuneration".

4.6 The Secretary-General said that the Secretariat could accept that proposal and that in any case it would be for the Administrative Council to make the necessary interpretation.

The text of paragraph 2 under "instructs the Administrative Council", as amended, was approved.

The draft Resolution in Annex 2 to Document 31 was approved.

5. Other documents submitted to Committee 5 (Documents 24 to 28, 33, 40, 46, 97)

5.1 The Chairman pointed out that the Committee had not yet considered certain documents which had to be submitted to other Committees first.

5.2 The Secretary-General explained that the documents in question had not been assigned directly to Committee 5, whose terms of reference were concerned with staff policy in the strictest sense. The questions of grading that arose in the documents were more a matter for the Administrative Council.

5.3 The Chairman asked whether the Committee wanted to have an extra meeting to consider those documents before ending its work. The members of the Committee seemed to be agreed that they should not meet again. The above-mentioned texts would therefore be submitted to the Plenary Meeting directly.

He stated that any draft Resolution on human resources would have to be submitted by the delegations interested in the matter and presented to the Plenary Meeting.

The Secretary-General said he would wish the Secretariat to be involved in any discussion on such a Resolution so as to give an indication of the resources required.

It was so decided.

6. Statement by the Chairman of the Staff Council

6.1 The Chairman of the Staff Council pointed out that many statements had shown evidence of a concern on the part of some delegations. He wanted to stress the financial consequences of having staff who lacked motivation. It had been calculated that a decline of 10% in staff productivity would represent 8,500,000 Swiss francs a year. That particular element ought to be brought to the attention of all Members.

7. Closure of the Committee's work

7.1 After the customary exchange of courtesies, the Chairman announced that the Committee had completed its work.

The meeting rose at 1220 hours.

The Secretary:

A. MACLENNAN

The Chairman:

F. MOLINA NEGRO

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 304-E

14 June 1989

Original : English

PLENARY MEETING

FOURTH REPORT OF THE FINANCE COMMITTEE TO THE PLENARY MEETING

ITU Publication Policy IFRB Weekly Circulars

1. Introduction. The Committee considered Document 24, a contribution by the Secretary-General, on the ITU Publication Policy, and Document 47, Report of the Administrative Council to the Plenipotentiary Conference, specifically section 2.2.6.6(5) relating to the IFRB Weekly Circular.

DOCUMENT 24

2. At present, all costs and income relating to ITU publications are managed in a "Supplementary Publication Budget", which should ideally be self-balancing, as required under No. 625 of the Nairobi Convention. The sale prices of ITU publications are set by the Secretary-General in collaboration with the Administrative Council. During the last few years, the Supplementary Publication Budget has often produced a surplus and the Council has redistributed it for other purposes such as reducing the amount of the contributory unit.

3. In Document 24, the factors relevant to a revised publication policy are offered under six headings (A to F). These have been considered by Committee 4 with the following conclusions:

A. User Needs - Timely and Widespread Availability of Information

Accepted and agreed in principle.

B. Special needs of developing Countries

Recognized and agreed in principle.

C. Appropriate Costing and Pricing Practices

Accepted and agreed in principle, except as regards the proposal in paragraph 21 that the costs of master copies of publications be transferred to the Ordinary Budget. Furthermore, a correction is necessary in paragraph 26 to show that sale prices or subscription fees shall continue to be determined by the Secretary-General in collaboration with the Administrative Council (as in No. 625 of the Convention).

D. Budgetary considerations

Not accepted. The proposed transfer of certain costs from the Supplementary Publication Account to the Regular Budget, and which could amount to 5,631,000 Swiss francs in 1989, could result in a 5.5 % increase in the amount of the contributory unit adversely affecting all administrations without compensating advantages.

E. Secondary distribution

Agreed, but with added emphasis on the need for a dynamic marketing approach as a means of facilitating wide distribution of ITU publications at economic prices.

F. Copyright protection against unauthorized reproduction

Agreed.

4. ITU Publication Policy

- a) Policy objectives : agreed.
- b) Secondary Distribution : agreed.
- c) Budgeting

Not agreed. The Committee believes that the present practice of assembling all costs and income relating to ITU publications in a "Supplementary Publication Account" should be maintained, that this account should, as far as possible, continue to be self-balancing, that, in the event of there being a surplus in this account, this surplus should normally be maintained in the account as a means of reducing the prices of publications, and that the Plenipotentiary Conference should invite the Administrative Council to reflect this view in a revision of the Financial Regulations.

The Committee, while recognizing the need wherever possible to reduce costs, sees no value in transferring costs from the Supplementary Publication Account to the Regular Budget, the effect of which would in 1989 add nearly 6 % of the size of the contributory unit without compensatory advantages.

The Committee welcomes the proposal to increase the use of magnetic media, but recognizes and expresses concern that the costs of printed publications could rise as the demand for them fall due to the increased use of magnetic media. To prevent this from happening, with the added burden on developing countries who may prefer to receive printed publications, the Committee recommends that the pricing of publications on magnetic media be adjusted proportionately.

The Committee further recommends that the Secretary-General, in collaboration with the Administrative Council (No. 625 of the Convention), should adopt a responsible pricing policy to achieve this aim of stabilising the costs of printed publications. The Council will need to consider whether any special measures are required for implementation of the recommendation.

The Committee invites the Plenary Meeting to agree that a future WARC be requested to examine the requirements for "service documents" and other publications which are produced for the purposes of the radio regulations (including their content, format and periodicity).

d) Pricing

Agreed in principle, subject to the comments made above.

DOCUMENT 47

5. The Committee considered Section 2.2.6.6(5) of the Report of the Administrative Council relating to the IFRB Weekly Circular.

6. The Committee, against the background of the broader discussion of the ITU Publication Policy, concluded that :

- a) For reasons previously given, there should be no change from the present accounting method under which this publication is accounted for in the Supplementary Publication Accounts along with all other ITU publications.
- b) Every Administration must continue to receive one free copy of the IFRB Weekly Circular. Other copies must be paid for, and must, as far as possible, be priced so as to cover the costs of all free copies.
- c) If the demand for the Weekly Circular to be supplied on magnetic media was to reduce the demand for the printed version and thus increase its price, then the copies on magnetic media must be priced so as to maintain a reasonable price for the printed version.
- d) The Plenipotentiary Conference should invite a future WARC to review the balance of advantages and disadvantages together with the financial implications of any change in the periodicity of issue of the IFRB Weekly Circular.

M. GHAZAL
Chairman of Committee 4

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 305-E

15 June 1989

Original: English

COMMITTEE 10

SECOND SERIES OF TEXTS FROM COMMITTEE 5 TO THE EDITORIAL COMMITTEE

Committee 5 has adopted the attached texts, which it submits to the Editorial Committee for consideration and for transmission in due course to the Plenary Meeting.

F. MOLINA NEGRO
Chairman of Committee 5

Annexes: 2

ANNEX 1

RESOLUTION No. COM5/4

Remuneration and Representation Allowances of Elected Officials

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

having regard to

Resolution No. 55 of the Plenipotentiary Conference of the International
Telecommunication Union (Nairobi, 1982),

recognizing

that the salaries of elected officials should be set at an adequate level above
those paid to appointed staff in the United Nations Common System,

resolves

1. that, subject to the measures which could be proposed by the Administrative
Council to the Members of the Union in accordance with the instructions hereunder, the
Secretary-General, the Deputy Secretary-General, the Directors of the International
Consultative Committees and the members of the International Frequency Registration
Board shall be paid with effect from _____ salaries fixed in relation to
the maximum salary paid to appointed staff on the basis of the following percentages:

Secretary-General	134%
Deputy Secretary-General, Directors of the Consultative Committees	123%
IFRB Members	113%

2. that the above percentages shall apply to the net base salary at the dependency
rate; all other elements of the remuneration shall be derived therefrom by applying the
methodology in force in the United Nations Common System, provided the appropriate
percentages will be applied to each individual element of the remuneration;

instructs the Administrative Council

1. if a relevant adjustment is made in Common System salary scales, to approve the
modification as necessary of salary amounts resulting from the application of the
above-mentioned percentages;

2. in the event of overriding factors appearing to the Administrative Council to
justify a change in the above-mentioned percentages, to propose for the approval of the
majority of the Members of the Union, revised percentages with appropriate
justifications;

further resolves

that costs incurred for representation will be reimbursed against vouchers within the following limits:

	<u>Swiss francs per year</u>
Secretary-General	24,000
Deputy Secretary-General, Directors of Consultative Committees	12,000
IFRB (for the Board as a whole at the discretion of the Chairman)	12,000

ANNEX 2

RESOLUTION No. COM5/5

**Rehabilitation of the Provident Fund of the
ITU Staff Superannuation and Benevolent Funds**

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

considering

the situation of the Provident Fund shown in the balance sheet at
31 December 1988,

taking into account

that the support measures hitherto applied have been effective,

aware

that the Provident Fund continues to require support in the form of an annual
contribution,

instructs

the Administrative Council to monitor carefully in coming years the situation of
the ITU Staff Superannuation and Benevolent Funds, and in particular the Provident
Fund, with a view to taking any measures it considers appropriate;

resolves

to reduce the annual contribution from the ordinary budget to the Pension Fund
from 350,000 to 250,000 Swiss francs and to maintain that contribution until the Fund
is able to meet its obligations.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 306-E

24 June 1989

Original: French

PLENARY MEETING

SUMMARY RECORD

OF THE

FOURTEENTH PLENARY MEETING

Thursday, 15 June 1989, at 1430 hrs

Chairman: Mr. J. GRENIER (France)

Subjects discussed:

Documents

- | | | |
|----|---|-----------------|
| 1. | Election of the Deputy Secretary-General | 3, 12, 245, 298 |
| 2. | First and second reports of Committee 4
to the Plenary Meeting | 207, 230 |
| 3. | Oral progress reports by Committee Chairmen | - |
| 4. | Second series of texts submitted by the
Editorial Committee for first reading
(B.2) | 275 |
| 5. | Working Group of the Plenary (PL-A) | DT/34 |

1. Election of the Deputy Secretary-General (Documents 3, 12, 245, 298)

1.1 The Secretary-General reviewed the procedure for the election of the Deputy Secretary-General. The delegates of Colombia, Switzerland, Mali, Bulgaria and Singapore were appointed as tellers.

1.2 The Chairman, referring to No. 556 of the Nairobi Convention, announced the commencement of voting.

1.3 The Executive Secretary called the roll of the delegations present, and having the right to vote.

1.4 The Chairman announced that, of the 136 countries which were entitled to vote, 132 had voted. One voting slip was invalid so that the total number of votes cast was 131. There were nine blank voting slips.

Mr. Jinguet was thus elected Deputy Secretary-General by 122 votes.

1.5 The Deputy Secretary-General make the following statement:

"Mr. Chairman,
Your Excellencies,
Distinguished Plenipotentiaries,
Colleagues and friends from all over the world,

In an unprecedented and most significant way, you have just renewed your confidence in my ability to go on assisting the Secretary-General in directing and coordinating the activities of your Union's General Secretariat.

On this exceptional occasion, allow me to express to you, Mr. Chairman, and to all the Plenipotentiaries, my feelings of profound gratitude for the honour you have done through me to my country, Cameroon. You can be quite sure that I shall spare no effort in continuing to make my contribution with vigour and determination to the achievement of the Union's noble objectives, as reaffirmed by this historic Conference in Nice.

Over the past six years, I have had the privilege of being the closest collaborator of the Secretary-General, Mr. R.E. Butler. I have thus been able to appreciate his mastery and his profound knowledge of the Union's affairs and Members.

I feel it my duty today to thank him publicly for the understanding he has shown me. The expressions of appreciation he has already received from various international forums show that, having devoted himself totally to the ITU, he has become a living legend for the Union.

The consensus, if not unanimity, on this afternoon's election is for me of most particular importance, coming at a time when the Conference is about to take major decisions affecting the life of the Union during the 1990s and beyond, when it will have to face ever greater challenges.

I welcome the great awareness shown by the Plenipotentiaries of the global development of the telecommunication network and the practical measures that are under way to improve the universal service and to strengthen the ever-growing role of the Union as the authority responsible in the United Nations system for coordinating the process of development leading to the world network.

I hope that under the leadership of the Secretary-General elect, Dr. Pekka Tarjanne, whom I congratulate most warmly, we shall form a united team with the single ambition of serving the interests of the Union and of the whole community of its Members as well as possible, without of course, forgetting other partners in the communication sector.

Thank you once more, Mr. Chairman and distinguished Plenipotentiaries."

1.6 The Secretary-General, speaking personally and on behalf of his colleagues, congratulated Mr. Jipguep and the delegates on the choice they had just made. He paid tribute to Mr. Jipguep, who had been a loyal colleague and who had given him unswerving support during the six and a half years which had just passed. He was self-possessed, observant and calm, and he was sure that his successor as Secretary-General would appreciate his qualities.

He thanked Mr. Jipguep and his wife for having extended their friendship to him and his wife. He wished him every success in the years ahead.

1.7 The Secretary-General elect congratulated Mr. Jipguep on his re-election as Deputy Secretary-General of the ITU. He was relieved that Mr. Jipguep had been chosen as his immediate colleague, since that would ensure continuity in the work of the ITU. It was clear that, by working together, they could only further the attainment of the objectives of the Union.

1.8 The delegate of Mali, speaking on behalf of the African Member States of the Union, extended his most cordial congratulations to Mr. Jipguep on his re-election as Deputy Secretary-General. That election was an expression of confidence in Mr. Jipguep's ability to direct the work of the International Telecommunication Union. He would like to take the opportunity of thanking Mr. Jipguep personally for having given his Delegation the benefit of his advice.

1.9 The Minister of Posts and Telecommunications of Cameroon made the following statement:

"Mr. Chairman,

On behalf of my Government and my country, Cameroon, I would like to extend my wholehearted thanks to the whole community of our Union.

The re-election of Mr. Jipguep to the post of Deputy Secretary-General is for me not only a source of immense satisfaction but also an occasion to reaffirm before you all Cameroon's commitment for a better future for the ITU.

This commitment is all the more justified in that a broad consensus, which we welcome, has emerged at this Conference on the following points:

- 1) primacy of the ITU in the field of regulation and especially standardization;
- 2) renewed and extended role of our Union in relation to development and cooperation problems in the field of telecommunications.

It is now up to Mr. Tarjanne and Mr. Jipguep to lead the Union's activities in the pursuit of these noble objectives.

I have no doubts whatever regarding their competence and sense of commitment. I would therefore like through you to congratulate them for the trust our Conference has shown them and to wish them every success.

Thank you."

1.10 The delegate of Saudi Arabia, speaking for his own Delegation and also all the Arab Delegations, congratulated Mr. Jipguep on his election as Deputy Secretary-General and said that he was convinced that his collaboration with the Secretary-General would make a positive and effective contribution to the work of the Union.

1.11 The delegate of Senegal said he wished to associate himself with the remarks just made by the delegate of Mali. However, given the privileged relations existing between Senegal and Cameroon, he wished to add that Mr. Jipguep's re-election was quite unprecedented. Between 1982 and 1989, despite the difficulties and problems that he had to overcome, Mr. Jipguep had consequently displayed efficiency and circumspection. At the side of the Secretary-General, he had made a valuable contribution before, during and after the Nairobi Conference.

On behalf of his Delegation, he sincerely congratulated Mr. Jipguep on his re-election as Deputy Secretary-General.

1.12 The delegate of Spain joined other delegations in congratulating Mr. Jipguep on his re-election. He paid tribute to the professional and human qualities of Mr. Jipguep and also on his professional competence and wished him every success and happiness for the future.

1.13 The delegate of the Islamic Republic of Iran congratulated Mr. Jipguep on his well deserved re-election as Deputy Secretary-General. The election reflected the importance which the Plenipotentiary Conference attached to telecommunications in the developing countries and would help to strengthen cooperation between Members within the Union. He wished Mr. Jipguep every success.

1.14 The delegate of Pakistan recalled the distinguished role played by Mr. Jipguep during his previous term of office. He congratulated him on his re-election as Deputy Secretary-General. He wished to take the opportunity of congratulating the Secretary-General elect and assuring him of his country's support.

1.15 The delegate of Brazil, speaking personally and on behalf of his Government, congratulated Mr. Jipguep on his re-election as Deputy Secretary-General. It was superfluous to recapitulate the qualities of Mr. Jipguep, who had always represented Africa's contribution to the work of the Union. He would be able to give the Secretary-General elect the benefit of his professional competence and that would ensure continuity in the work of the organization.

1.16 The delegate of Tonga said he had not yet taken the floor because he shared the views expressed by other delegations. He wished to associate his own Administration and the Administrations of Papua New Guinea, Australia and New Zealand with the delegations which had congratulated Mr. Jipguep on his re-election as Deputy Secretary-General.

1.17 The delegate of France congratulated Mr. Jipguep on his re-election. The role of Deputy Secretary-General was sometimes a difficult one, but his services as a colleague of the Secretary-General were invaluable. One of his tasks being to continue to improve contacts among the Members of the Union. Mr. Jipguep possessed the qualities required. He extended his warmest and most cordial congratulations to Mr. Jipguep.

1.18 The delegate of the Philippines, speaking on behalf of his Government, congratulated Mr. Jipguep on his re-election as Deputy Secretary-General. Mr. Jipguep had been a constant friend of the developing countries; his composure, modesty and acute gift of observation were qualities which would be invaluable in helping him to continue his work for the good of the Union.

1.19 The delegate of Lebanon said that, although the delegate of Saudi Arabia had spoken on behalf of all the Arab countries, he would like to extend his special congratulations to Mr. Jipguep who, like himself and many other delegates present, was a former alumnus of the Ecole Nationale des Télécommunications in Paris. He congratulated Mr. Jipguep and wished him every success for the future.

1.20 The delegate of Peru said he also wished to congratulate the Deputy Secretary-General. He recalled that at the last Plenipotentiary Conference in Nairobi, Peru had submitted a rival candidate for the post of Deputy Secretary-General and that, in order to facilitate matters, it had withdrawn its candidate. The decision which had just been taken was most gratifying and he wished Mr. Jipguep every success in the future.

1.21 The delegate of Nigeria congratulated Mr. Jipguep on his re-election as Deputy Secretary-General. The election was an honour and a matter of pride for Africa.

1.22 The delegate of Colombia congratulated Mr. Jipguep on his re-election. Mr. Jipguep's qualities were well-known and he was happy to be able to count on the continuation of his services.

1.23 The delegate of Zimbabwe said that, like previous speakers, he wished to congratulate Mr. Jipguep on his well deserved re-election. Mr. Jipguep was a son of Africa and he wished to thank the delegates to the Plenipotentiary Conference for having taken a responsible approach to the problems of the developing countries. He thanked and congratulated the Secretary-General elect and said he was sure that he and the Deputy Secretary-General would work together to advance the work of the Union and strengthen the role of telecommunications throughout the world.

1.24 The Chairman, speaking as a friend, congratulated Mr. Jipguep on his re-election. He trusted that the spate of eulogies which had just been expressed would not affect Mr. Jipguep's modesty. He wished him every success in his work.

2. First and second reports of Committee 4 to the Plenary Meeting
(Documents 207 and 230)

2.1 The Chairman of Committee 4 said that he had already given an oral report on the work of the Committee and was now officially submitting the first report of the Committee to the Plenary Meeting (Document 207). In connection with the approval of the Union accounts for the period 1982-1988, he wished to inform delegates that, during consideration of the Administrative Council's report by Committee 4, the delegate of Byelorussia has asked that the minutes of the Plenipotentiary Conference should mention his concern at the use of ITU resources to finance the activities of the Independent Commission for World-Wide Telecommunications Development.

He then introduced the second report of the Finance Committee to the Plenary Meeting (Document 230), which had already been presented orally. The Committee had not yet decided the question of support costs but in principle it was in favour of including them in the ordinary budget. Since Committee 7 had agreed on the establishment of an organ for technical cooperation, there was good reason to hope that the funding of technical cooperation activities in future would be organized on a permanent and much more stable basis.

2.2 The Chairman asked whether the delegates had any comments or questions on the two documents.

2.3 The Secretary-General referred to the reservations of Byelorussia in Committee 4 on the financing of the activities of the Independent Commission. The minutes should also mention the fact that although the voluntary efforts made had enabled numerous tasks to be undertaken, voluntary funding had been insufficient to cover the entire costs. That was why the Administrative Council had authorized the shortfall in income under that head to be charged to the ordinary budget and had authorized the Union to provide the common services support required for the Commission's work.

The meeting took note of the Secretary-General's statement.

3. Oral progress reports by Committee Chairmen

3.1 The Chairman of Committee 2 said he had no statement to make for the time being. The Working Group of Committee 2 was to meet on 16 June.

3.2 The Chairman of Committee 3 reported on the budgetary situation and on the position of expenditure as at 12 June 1989. Expenditure and committed expenditure corresponded more or less to the amounts shown in the budget and there would be a very slight surplus if expenditure matched the estimates.

3.3 The Chairman of Committee 4 said that, at its last two meetings, his Committee had studied publications policy. It had also started to consider the proposals for amending the draft Constitution and Articles 15 and 27 of the draft Convention. Work was already at a fairly advanced stage and, in Article 27, three classes of contribution had been added, namely two classes at the top range of the table and one class 1/16 at the bottom for the least developed countries as listed by the United Nations.

3.4 The Chairman of Committee 5 said that his Committee had completed its work within the deadline laid down by the Steering Committee. A Working Group had been set up to consider what was certainly one of the most important matters before the Plenipotentiary Conference, namely, the readjustment of pensions for the staff of the Union. The last two meetings of the Committee and the Working Group had been devoted entirely to that question. A detailed report on their work would be prepared and transmitted to the Plenary. In addition to decisions concerning general staff policy, Committee 5, after considering the financial implications of staff transfers and the unfreezing of posts, had adopted five Resolutions, two of which would be examined under the following agenda item, while the third was already being considered by a small Drafting Group and would be transmitted directly to the Plenary Meeting, since it was felt that the Committee should not devote another meeting to it. The draft Resolution concerning the planning of human resources would thus be considered by the Plenary. The study of various other proposals concerning the staff, which had already been undertaken by Committee 7, had not been resumed by Committee 5. Those questions would also be submitted to the Plenary Meeting for consideration.

3.5 The Chairman of Committee 6 said that his Committee had held seven meetings and had two more in which to complete its work. It had considered Document 33 on the changing nature of ITU technical cooperation as well as the question of the follow-up to Resolution No. 20 on the establishment of the Independent Commission. It had also discussed section 5.2.2 of the Administrative Council's Report to the Plenipotentiary Conference, i.e., the Union's response to Resolutions Nos. 16 to 35 on technical cooperation.

Committee 6 had set up a small Drafting Group consisting of five members to revise the above-mentioned Resolutions and to propose new Resolutions in the light of the discussions. The Committee thus hoped to be able to complete its work on time. A final report would be drawn up and submitted to the Plenary Meeting.

3.6 The Chairman of Committee 7 said that substantial progress had been made since his oral report of 13 June. Work had been organized so as to respond as quickly as possible to the wishes of the Chairman of the Conference and Committee 1, which had requested that the study of the structure of the CCIs should be completed in view of its importance for the elections at the present Conference. A considerable number of delegations had emphasized that, without underestimating the importance of that question, what was even more important was the link between the election of the CCI Directors and the question of equitable regional representation. That link was equally apparent in connection with the permanent organ for telecommunications development. Numerous delegations felt that the present Conference would be the one which had made it possible to crystallize the aspirations of the developing world, which wished to have an organ of the same status as the other organs of the Union. The discussions concerning the CCIs had not been completed. The Chairman of Committee 7 hoped to be able to submit his final report in due course.

With regard to the structure of the Union, a large majority of delegations agreed with the summing up given by the Chairman in Document 295. That document was considered to be extremely useful as an analysis of the structure of the Union. Since several delegations had dissented from the majority view, the Chairman had requested them to submit their comments in writing so that they could be annexed to Document 295.

So far as the structure of the CCIs was concerned, most delegations had been in favour of the election of two Directors, one for the CCIR and the other for the CCITT, provided that a detailed analysis was made of the questions closely connected with that election and provided that all necessary arrangements were made. Those allied questions, which constituted an indivisible whole, were the following: a) the proposal concerning an organ dealing with space telecommunications; b) the determination of the number of terms of office to be served by elected officials; c) various proposals relating to a study in which the structure and working methods would be re-examined; d) the implications of the for going questions on the length of the term of office under the present elections. The Committee had reached agreement on points a) and b) but had still to reconsider points c) and d).

With regard to point a), namely, the proposal by Kuwait for the establishment of an organ for space telecommunications, the Committee considered that a more detailed study was called for. Numerous delegations had requested that the matter should be added to the terms of reference of the group which might be set up to study the working methods and structure of the Union with a view to the convening of a conference on the latter subject.

Under point b), the Committee had studied the proposals of Algeria, Brazil, Canada, China, Hungary and Nigeria concerning the number of terms of office of elected officials. In response to specific questions, the Secretary-General and the Legal Adviser had given their views on that delicate issue. Committee 7 had accepted the following conclusions: according to the Legal Adviser, the Nairobi Conference had already limited the terms of office of the Directors of the CCIs to two. Hence, from the present Plenipotentiary Conference onwards, only one re-election could take place

by the next Plenipotentiary Conference. Most delegations had reaffirmed the decision of the Nairobi Conference (No. 323) to limit to two the numbers of terms of office of the Directors of the CCIs. The Legal Adviser had pointed out that the Nairobi Convention constituted a departure from previous Conventions in that respect and that the Nairobi Conference had wished to restrict to two the terms of office of the Secretary-General, Deputy Secretary-General and the two Directors of the CCIs, but not those of the members of the IFRB. He added that neither the Nairobi Convention nor the Additional Protocols contained any provisions to the effect that previous terms of office resulting from an election by the Plenary Assemblies of the CCIs should be counted for purposes of the re-eligibility of the two Directors of the CCIs at the present Plenipotentiary Conference.

Points c) and d) therefore remained to be settled, and Committee 7 had before it a number of far-reaching proposals on those two items, which had been placed on its agenda. Once their study had been completed and the relevant conclusions drawn, a full report on the analysis of the structure of the CCIs would be submitted to the Plenary Meeting.

3.7 The Chairman of Committee 8 said that, since his first oral report, the Committee had held eight meetings. It now had to consider complex subjects and a large number of proposals, which meant that it would have to proceed more slowly. It had set up Working Group 8-A chaired by Mr. Gnon (Côte d'Ivoire). That Group had been asked to propose a suitable mechanism for defining the regions. Committee 8 had also set up another, smaller, group consisting of those Committee members who were interested in the question of the introduction of three additional working languages. It might be necessary to contemplate the possibility of holding additional meetings during the following week.

3.8 The Chairman of Committee 9 said that that Committee had made steady progress and that it had prepared texts for the Preamble of the draft Constitution and for Articles 1, 3, 17, 36, 37 and 38. Agreement still had to be reached on the final text of Article 39. Committee 9 also had to consider seven Articles of the draft Constitution and two Articles of the draft Convention, as well as a number of points either referred to it by other Committees or connected with problems raised in the report of the Group of Experts.

Committee 9 had a great deal left to do. He would inform the Steering Committee of the number of meetings which the Committee would require to complete its work.

3.9 The Chairman of Committee 10 said that that Committee had held four meetings since the last oral report and that it had considered the texts transmitted by the other Committees. The results of its work had already appeared as documents submitted for first reading, namely, series B.2, B.3 and B.4 (Documents 275, 280 and 290). He encouraged the Committee Chairmen to supply the Editorial Committee regularly with the first texts which they prepared to enable it to work on them while other texts, which took longer to elaborate, were being discussed.

4. Second series of texts submitted by the Editorial Committee for first reading (B.2) (Document 275)

Draft Resolution No. PLEN/1

4.1 The Chairman of the Editorial Committee said that draft Resolution No. PLEN/1 corresponded to Document 234 adopted directly in the Plenary Meeting and reviewed with the minimum number of changes by the Editorial Committee. It was necessary to add under "recalling e)" the correct title of a United Nations General Assembly resolution, which could be done in the document to be submitted for second reading.

Draft Resolution No. PLEN/1 was approved on that understanding.

Draft Resolution No. COM5/2

4.2 The delegate of Romania said that, in connection with the last paragraph of the text under "instructs the Administrative Council", if a minimum was established for the credits, a maximum should likewise be indicated. He was supported by the delegate of the USSR.

4.3 The Chairman of Committee 5, deploring the low number of participants in the work of that Committee, said that draft Resolution No. COM5/2 had been approved by Committees 5 and 4. He pointed out that the text adopted on that subject by the Torremolinos Conference indicated a minimum of 0.25% and a maximum of 1%; on the other hand, Resolution No. 60 of the Nairobi Conference provided for a maximum of 0.25%. Committee 5 had thought fit to indicate a minimum of 0.25% for the credits allocated to in-service training.

4.4 The Secretary-General explained that the lower limit of 0.25% should in fact correspond to an amount slightly above that which had been accepted at Nairobi. When the training provisions adopted at Nairobi had been revised by the Administrative Council, a programme far below the intended objective had resulted. In view of the progress achieved in the telecommunications sector, the need to provide further training for Headquarters staff should be recognized by the present Conference. The decision adopted by Committee 5 and confirmed by Committee 4 should be put into effect, and it would be regrettable if minor amendments were made in the Plenary Meeting. He called upon the representatives of Romania and the USSR not to press their proposals any further.

4.5 The delegates of Indonesia and the Federal Republic of Germany stated their support for draft Resolution No. COM5/2 as submitted to the Plenary Meeting.

4.6 The delegate of Romania proposed that a maximum of 0.50% should be indicated so that the text would read: "... not less than 0.25% and not more than 0.5% of the share of the budget ...".

4.7 The Chairman of Committee 5 said that he saw no objection to that amendment.

Draft Resolution No. COM5/2, as amended, was approved.

4.8 The Secretary-General said it should be noted that the figures related to external costs to the Union and that they did not thus include internal training.

Draft Resolution No. COM5/3

4.9 The delegate of Paraguay, referring to "considering a)" between square brackets, asked whether the provisions concerned would be included in the Constitution or in the International Telecommunication Convention.

4.10 The Chairman of Committee 5 proposed that the text should remain between square brackets and that the Editorial Committee should be asked to indicate the correct reference.

It was so decided.

4.11 The delegate of Romania, referring to "resolves 2", proposed to add the words "from unrepresented countries" after "to the candidates".

4.12 The Chairman of Committee 5 pointed out that ITU texts never referred to countries but solely to regions.

4.13 The Secretary-General added that the ITU did not have a quota system comparable to that of the United Nations. In the ITU, reference was made exclusively to geographical distribution or representation. The draft Resolution in its present form was in keeping with the policy that had been pursued in recent years.

At the proposal of the Chairman, it was decided not to adopt the Romanian proposal.

4.14 The delegate of Pakistan said that there was a contradiction between "resolves 2", which stipulated that preference should be given to candidates from regions of the world which were insufficiently represented, and "instructs the Secretary-General 2", whereby the appointment of women to posts in the Professional and higher categories was to be encouraged. Since he was afraid that those two proposals would conflict he proposed the addition, under "instructs the Secretary-General 2" of the words "subject to resolves 2".

4.15 The Chairman of Committee 5 pointed out that so far as the representation of women was concerned, Committee 5, for which he was responsible, had confined itself to taking account of the guidelines of the International Civil Service Commission (ICSC); furthermore, no reservations had been expressed in that respect in Committee 5.

4.16 The delegate of Senegal supported the proposal by the delegate of Pakistan. It seemed to him that "instructs the Secretary-General 2" should be amended so as to make it clear that an equitable distribution of staff was to be obtained whether men or women were concerned. He was supported by the delegates of Pakistan and Saudi Arabia.

4.17 The Chairman of Committee 5 pointed out that the text reflected the wishes of the Staff Council of the Union. It would perhaps be useful to maintain the text in the interest of the female staff, particularly since the United Nations attached considerable importance to the question. The text as it was presented was sufficiently flexible to avoid any conflict between "resolves 2", and "instructs the Secretary-General 2".

4.18 The Secretary-General said the two texts were in fact not contradictory. On the one hand, there was the issue of geographical representation, which was covered satisfactorily. On the other hand, it was also the intention to emphasize the need to improve female representation in the staff of the ITU. He had attempted to bring about such an improvement over the past few years, and scrutiny of the Union's organization chart would bear that out. With regard to the proposal by the delegate of Senegal, the words "... with a view to achieving an equitable representation of women in the staff of the Union" might be added to "instructs the Secretary-General 2". He also pointed out that few female candidates were presented by administrations when vacancies were advertised. It was, however, hoped to achieve a better balance.

4.19 The delegate of Syria, who regretted his inability to take part in the work of Committee 5, said that it was very difficult to find qualified female candidates for Professional posts in the ITU. He therefore proposed that "instructs the Secretary-General 2", should be deleted.

4.20 The Chairman, in the light of the proposals of the delegate of Pakistan and the Secretary-General, suggested the following text under "resolves 2": "with a view to achieving an equitable representation of women in the staff of the ITU, subject to resolves 2 of this Resolution".

4.21 The delegate of Pakistan considered that proposal to be acceptable. He wished to make it clear that his Delegation was in no way opposed to the enhancement of women's role in society.

4.22 The delegate of Senegal stated that, for his Delegation, a question of principle was involved, and any discrimination should be avoided. He hoped that the text could be taken up again.

4.23 The delegate of Mexico said that the text proposed by the Secretary-General seemed acceptable, but wished to point out that non-discrimination was a universal principle recognized in the United Nations Charter.

At the proposal of the Chairman it was decided to close the discussion of that point at the present meeting.

The second series of texts submitted by the Editorial Committee (B.2) was approved, as amended, on first reading.

5. Working Group of the Plenary (Document DT/34)

5.1 The Chairman said that two other Delegations, namely, those of Mexico and Uruguay, had requested to take part in Working Group PL-A.

He recalled that the chairmanship was to have been entrusted to the Secretary-General elect. However, the latter had stated that he was unable to assume that duty. Following consultations, he suggested that Mr. G. Warren (Canada) should serve as Chairman of the Group.

It was so decided.

The meeting rose at 1810 hours.

The Secretary-General:

R.E. BUTLER

The Chairman:

J. GRENIER

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to
Document 307-E
28 June 1989
Original: English

SUMMARY RECORD

OF THE

SIXTEENTH MEETING OF COMMITTEE 7

1. Amend paragraph 2.7 as follows, to read:

"2.7 The delegate of the Philippines said she recognized the very difficult task before the Chairman. In the show of hands, her Delegation had indicated its opposition to acceptance of Document DL/15 since it considered that the whole document is contentious and three of the paragraphs, 2, 6 and 7 in the summary did not reflect the consensus of the meeting. It was recognized that the first two lines of paragraph 2 should be amended to read: "while a majority of the Members expressed a sentiment of satisfaction with the existing structure, many suggested a need for a mechanism that enhanced ...". Her Delegation was in favour of creating a development organ but felt that in the interests of clarity and due respect for procedure the first line of paragraph 6 should be replaced by: "there was a need for the creation of a new organ for development which". Lastly, she considered that if the in-depth study to be made was to be independent, as stated in paragraph 7, that paragraph should not contain instructions that might prejudice such independence. The minutes and summary records of the Plenipotentiary Conference would give sufficient guidance on the views of the Conference to the Members of the Study Group. As a result she proposed that the last two sentences of paragraph 7 should be replaced by: "It was recognized that Alternative 1 should be adopted while awaiting the results of the study, before considering any other alternatives which would involve major structural change".

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 307-E

20 June 1989

Original: English

COMMITTEE 7

SUMMARY RECORD

OF THE

SIXTEENTH MEETING OF COMMITTEE 7

(STRUCTURE OF THE UNION)

Wednesday, 14 June 1989 at 2000 hrs

Chairman: Mr. A. VARGAS ARAYA (Costa Rica)

Subjects discussed

Document Nos

- | | | |
|----|---|--------------|
| 1. | Organization of work | 210 + Corr.1 |
| 2. | Chairman's summary of the debate on
general principles (continued) | DL/15 |
| 3. | Establishment of a CCI for Space
Telecommunications | 11 |

1. Organization of work (Document 210 + Corr.1)

1.1 The delegate of Cameroon, expressing his concern with the manner in which the Committee was proceeding, said that basically the Conference had two clear choices before it: radical reform or retention of existing structures. Should the Committee choose radical reform (Alternatives 2, 3 or 4 of Annex 3, Document 210(Corr.1)) it could then consider in turn all the proposals for structural change submitted by Members set out in the agenda. Should it, on the other hand, opt for Alternative 1, then the proposals for structural reform need no longer be examined by the Committee but could instead be submitted by the Plenary to the Group of Experts to be established to review the structure of the Union, the terms of reference of which could then be discussed by the Committee. In order to expedite the work of the Committee, he proposed that at the present juncture it should return to a consideration of the basic options set out in Annex 3 to Document 210(Corr.1).

1.2 The Chairman said that the structural models set out in Document 210(Corr.1) were intended merely as a tool to assist the Committee in its work. Annex 3 had been prepared by the Secretariat in response to requests by several delegations. It was not to be regarded as a substitute for the proposals put forward by administrations, which were entitled to a hearing from the Committee. It should be noted that the summary in DL/15, which had been accepted by a majority of speakers after lengthy debate by the Committee at its previous meeting, stated in its paragraph 7 that Alternative 1 was the structural model supported by the Conference for implementation in the meantime.

There being no further comment on the subject, the agenda before the Committee was approved.

2. Chairman's summary of the debate on general principles (Document DL/15)
(continued)

2.1 The Chairman informed the Committee that following its previous meeting written comments on Document DL/15 had been received from the Delegations of the Federal Republic of Germany, Australia, Byelorussia, Canada, Denmark, Spain, United States, Finland, Hungary, Iceland, Japan, Mongolia, Norway, New Zealand, the Netherlands, Poland, German Democratic Republic, Ukraine, United Kingdom, Sweden, Czechoslovakia and the USSR. A written comment from the Delegation of France had been received during the meeting. In reply to a question from the delegate of Canada, he indicated that the delegates remaining on the list of speakers when it had been closed that morning were now invited to express their views on the acceptance of Document DL/15.

2.2 The delegate of the USSR expressed his regret that the Committee had adopted Document DL/15 without following the proper procedure of ensuring a thorough exchange of views by considering the text paragraph by paragraph. He expressed his Delegation's serious reservations on Document DL/15 as it now stood.

2.3 The delegate of Mexico regretted the way in which, in the debate that morning, points of order had been inappropriately raised. Although some positive efforts had been made to accelerate the work of the Committee and bring consensus closer, over half the time available to the Conference had been expended in discussions in which extreme points of view were maintained. Good negotiations were those in which all gained or lost equally, in which it was not the views of one group only that prevailed and where all showed flexibility and a willingness to yield some ground.

2.4 The delegate of Romania said that in that morning's debate he had raised a point of order, which should have received priority under No. 509 of the Nairobi Convention, that Document DL/15 was not a document to put to the vote of Committee since it was a general summary only and contained no concrete proposals. He suggested that the Committee should endeavour, on the basis of consensus, to draw specific conclusions on the issues before it.

2.5 In reply to a point of order raised by the delegate of Yugoslavia, who asked why the debate was continuing now that an indicative vote had been taken and delegates asked to submit comments in writing, the Chairman explained that under the rules of procedure the debate would not be closed until the list of speakers, which had been closed that morning, had been exhausted.

2.6 The delegate of Tanzania said that Tanzania had been one of the 78 delegations accepting Document DL/15, which was a summary record of debate as set out in No. 588 of the Nairobi Convention. It was the Chairman's responsibility to produce a document of that nature in order to capture the essence of the views expressed by the 50 or more delegates who had spoken on the issues involved. The Chairman had thus acted in accordance with the provisions of the Convention and the rules governing the conduct of meetings. It would have been unwise to leave such a very sensitive subject without having a summary of the debate upon it. The Chairman was also correct in seeking in a democratic manner to ascertain the feeling of the meeting on Document DL/15, following a lengthy debate in which many points of order were raised.

2.7 The delegate of the Philippines said she recognized the very difficult task before the Chairman. In the show of hands, her Delegation had indicated its opposition to acceptance of Document DL/15 since it considered that three of the paragraphs in the summary did not reflect the consensus of the meeting. She believed the first two lines of paragraph 2 should be amended to read: "while a majority of the Members expressed a sentiment of satisfaction with the existing structure, many suggested a need for a mechanism that enhanced ...". Her Delegation was in favour of creating a development organ but felt that in the interests of clarity and due respect for procedure the first line of paragraph 6 should be replaced by: "there was a need for the creation of a new organ for development which". Lastly, she considered that if the in-depth study to be made was to be independent, as stated in paragraph 9, that paragraph should not contain instructions that might prejudice such independence. The minutes and summary records of the Plenipotentiary Conference would give sufficient guidance on the views of the Conference to the Members of the Study Group. As a result she proposed that the last two sentences of paragraph 7 should be replaced by: "It was recognized that Alternative B should be adopted while awaiting the results of the study, before considering any other alternatives which would involve major structural change".

2.8 The delegate of Venezuela said he had not participated in the vote on closure of debate or in the show of hands to indicate acceptance or otherwise of Document DL/15 since he recognized only those voting methods provided for in the rules of procedure. He had serious difficulties with the document, among other things with its paragraph 3, where the statement that the Secretary-General was the leader of the ITU was at variance with the Convention, which in its Article 5 stated that the Plenipotentiary Conference was the supreme organ of the Union. He had no objection to the document being dealt with, as its title indicated, as a summary by the Chairman, since that indicated that the text reflected only the opinions of its author and was not binding on delegates in any way. He expressed his reservation on acceptance of the text as a conference document on the strength of the indicative vote. As he had not participated in that vote, he did not consider himself bound by the contents of the text.

2.9 The delegate of the United Kingdom regretted the procedure followed by the Committee that morning as unfortunate to say the least. He would not dwell on that point, however, as he would prefer to look forward to the future work of the Committee. He had severe reservations on Document DL/15 as an adequate representation of the views of the Committee. Written comments on the subject had been handed in (these are published in the annex to Document 295). It would be best for no further action to be taken on Document DL/15, which would remain an information document to the Committee. There was a need for discussion outside the Committee if any real progress was to be made.

2.10 The Chairman announced that the promised note would be issued the following day as Document 295, and would be headed by the following paragraph:

"The following summary of the Chairman was accepted by the majority of Committee 7. The written views of other delegations are contained in the annex."

2.11 The delegate of Hungary expressed his dissatisfaction at the Chairman's summary, which did not fully reflect the views expressed during the debate by many delegations including his own. It gave the impression that the issues mentioned had been discussed and finally agreed upon, which was not the case. The fact that the document had been amended by the Chairman himself indicated that confusion had arisen in his own mind. His Delegation reserved the right to return to the matter at a higher level at a later stage.

2.12 The delegate of Canada expressed his regret at the procedure adopted with respect to Document DL/15 at the previous meetings. The views of delegations had not been taken into account fully and it was surprising that the Chairman's own amendments had not been included. The Committee could not refuse the Chairman the right to amend his own summary.

2.13 The delegate of the German Democratic Republic said that he had the same difficulties as other delegations with the procedure adopted with respect to Document DL/15. He had submitted amendments to the document in writing and reserved his Delegation's right to return to the document at a later stage.

2.14 The delegate of Australia said that his Delegation had also submitted written comments. Its main problem with Document DL/15 was that it departed from general principles. The material in paragraph 7 should have been put into a Resolution. He endorsed the views of the delegates of Mexico and USSR about the conduct of the discussion and suggested that the Chairman be given assistance in his heavy task.

2.15 The delegate of Indonesia considered that Document DL/15 gave the sense of the meeting. He thought it unfair to annex to the re-issue of a document already circulated written comments that had not been submitted orally to the meeting.

2.16 The delegate of the United States reiterated his Delegation's concern at the procedure adopted for the discussion of Document DL/15. He still had major concerns about the Chairman's summary of the views expressed during the Committee's discussion. He endorsed the views of the delegates of the Philippines and Canada and reserved his Delegation's position on the document. He expected that comments from other administrations would be appended to the re-issued note by the Chairman.

2.17 The delegate of Iraq explained that his Delegation had called for the closure of the discussion at the previous meeting in order to save time. Document DL/15 did not live up to his Delegation's expectations but nevertheless it did sum up a point of view

and provided a valid basis for setting out the points on which there was convergence and divergence of view. The document could help to arrive at a compromise formula for setting up an efficient structure in the Union.

2.18 The delegate of Chile said that his Delegation had submitted no amendments to Document DL/15 which was a praiseworthy effort at summary but no more. The document referred to matters which had not been studied by the Committee, for instance the enhancement of the role of the Secretary-General. It was therefore very difficult to arrive at a consensus on it. It would be wiser to leave the document aside and concentrate on the few points on which there had been consensus, including the need for international cooperation to strengthen the advisory services to Member States and especially to developing countries, and the need to strengthen coordination activities within the ITU.

2.19 The Chairman, in reply to a question from the delegate of France, said that it was now too late to hand-in written amendments to be appended to Document 295, but that oral statements could be made in regard to that document.

2.20 The delegate of France regretted that under the procedure adopted in dealing with Document DL/15, the document had not been discussed point by point, which would have enabled amendments to be made and a consensus reached. His Delegation wished to amend paragraph 2 to indicate that "a majority of Members had expressed a sentiment of satisfaction with the existing structure", and not "many Members ...". Since paragraph 3 was in contradiction with the basic instrument of the ITU and dealt with a subject covered by item 5, he suggested that it be deleted. He shared the views of other delegations concerning the statements regarding Alternative Model 3 in paragraph 7.

2.21 The delegate of Ethiopia endorsed the comments made in support of the Chairman's summary which reflected the Committee's discussion and its decision to create an organ for development and to carry out a study on changes to organs that had worked faithfully but could be improved for the benefit of developed and developing countries. Concerning the validity of annexing written comments to the forthcoming note by the Chairman, he believed it would have been in order merely to include them in the summary record, but would not press that view.

2.22 The delegate of Costa Rica said that despite the problems in the Committee significant progress had been made in the shape of the agreement to establish a permanent organ for development. He congratulated the Chairman on the conduct of his debate, pointing out that delegations had also made errors of procedure in submitting so many points of order. There was indeed room for improvement in Document DL/15 but the purpose of its submission was for delegations to comment on it. He appealed to delegations to show good will and understanding and to set aside individual concerns in the interests of the common good and of finding a consensus.

2.23 The delegate of New Zealand, outlining his Delegation's concern with the procedure followed by the Committee, said that the only document to come out of the Committee's debate on the structure of the Union was DL/15. Despite the severe difficulties of a number of delegations with that document there had still been no opportunity to debate it paragraph by paragraph. The Committee was unable to agree the whole document but also unable to investigate its component parts to find out where the disagreements lay. Despite the Chairman's assurance that Document DL/15 was simply a summary of his own views and not a conclusion of the meeting, the document retained in the first paragraph the words "the Committee reached the following conclusions". His Delegation had serious problems with that inherent contradiction. As far as the status of the document was concerned, at the previous meeting the words "accepted by the Committee" had been employed, but at the present meeting he had heard the word "adopted" used. There was a difference in English at least between the two concepts.

The Committee had "accepted", not "adopted" the document. Since the ITU always tried to reach decisions by consensus, the addition of square brackets to the document had proved useful. His Delegation was willing to find common ground and to continue the debate either in a Working Group or in the Plenary. The issues would not be resolved without a substantive debate in which the issues were dealt with point by point.

2.24 The delegate of Zambia said that Document DL/15 was a true and factual summary of the issues discussed by the Committee over a long period. The Editorial Committee should be requested to deal with any inadequacies in it. The Committee had abandoned that document too early and as a result two days' work had been lost. Having summarized the process of the Committee's discussion of Document DL/15, he appealed to delegations that wished to make progress and those that wished to avoid hasty decisions to avoid taking such decisions themselves. On the issue of consensus he suggested that the Convention should be used in a positive way to make progress in the meeting.

2.25 The Chairman announced that the Committee had concluded its final debate on the general structure of the Union. He wished to make it quite clear that there had been no vote at the previous meeting on Document DL/15. The document had merely been accepted. All comments by delegations would be included in the summary record as usual but in addition, as was only fair, the views of delegations that had objected to part of Document DL/15 would be annexed to his forthcoming note (Document 295).

Consensus might be the highest stage in democracy, but the essence of democracy was the right of the majority to prevail over that of the minority even if the latter did not agree. Consensus was the ideal, but when it could not be reached, there were very detailed rules in the Convention to find out the wishes of delegations by means of a vote. Voting therefore did not run counter to the democratic spirit of the ITU, but confirmed it.

Realizing that many delegations were more experienced in procedural matters, he asked for their advice and support in his work. There was some light on the horizon as far as progress was concerned. The African Group had formed a Working Group to prepare a text on the Bureau for Development, and two parallel series of informal meetings were being conducted to try to arrive at a global agreement on all matters on which it had not yet been reached. He would give the Committee further details as soon as they were available.

3. Establishment of a CCI for Space Telecommunications (Document 11)

3.1 The delegate of Kuwait, introducing proposal KWT/11/4 on the establishment of an International Consultative Committee for Space Telecommunications (CCITS), said that issues relating to space telecommunications were increasing daily and, although problems on these matters were being studied in the CCIR and the CCITT, it was always useful to diversify the work and provide a specialised Committee to deal with all aspects of progress in that field.

3.2 The delegate of Lebanon supported the proposal by the delegate of Kuwait and proposed that the establishment of such an organ be studied by the Group of Experts that was to be set up to study the future structure of the Union.

3.3 The delegate of Senegal considered the proposal by the delegate of Kuwait very interesting in relation to the evolution of space telecommunications. The trend was towards overall studies on global strategy, and to do justice to the new telecommunications environment the matter should be considered together with studies on the CCIs in general.

3.4 The delegates of Saudi Arabia and the United Arab Emirates, supported the proposal by the delegate of Kuwait, the former concurring fully with the comments by the delegates of Lebanon and Senegal.

3.5 The delegate of Kuwait, said he could accept the comments made by the delegates of Lebanon, Senegal and Saudi Arabia.

3.6 The Chairman, in response to the delegate of the Congo, said that the text of the decision would contain a proper reflection of the statements made on the point examined.

3.7 The delegate of the United States, expressing some doubts as to the overall requirement for such a new CCI, said he could go along with the decision of the Group.

3.8 The delegate of India, supported by the delegates of Kenya, Pakistan, Mali, Lesotho, Ethiopia, the Islamic Republic of Iran and Colombia, saw merit in the idea behind the proposal and thought there was no harm in referring study of the matter to the Group that was to study the overall structure of the CCIs and the other organs.

3.9 The delegate of Spain wondered whether the Group being referred to had already been set up, since the delegate of India had referred him to paragraph 7 of Document DL/15 which mentioned a study but not a Group of Experts.

3.10 The delegate of Paraguay proposed that a Resolution be drafted on the purpose and establishment of the Group in question.

3.11 The delegate of Algeria, supporting the proposal by the delegate of Kuwait, commended him on agreeing to have the issues studied by the Group of Experts which he was confident would be set up, and whose mandate would have to include envisaging a new organ when considering the CCIs.

3.12 The delegate of Benin, considered the proposal by the delegate of Kuwait interesting but wondered what the functions of the CCI for Space Telecommunications would be in view of the fact that INTELSAT was already dealing with such matters and cooperated with the IFRB in solving satellite problems.

3.13 The Chairman said that the proposal by the delegate of Kuwait contained elements that could form the basis for the study recommended by many delegates and that the study would give the answer to the question he raised.

3.14 The delegate of Libya supported the proposal by the delegate of Kuwait as satellite technology was very important for developing countries particularly those with isolated areas.

3.15 The delegate of Morocco said that in the long term a specialised organ would be necessary to deal with space matters and supported the idea that the proposal by the delegate of Kuwait be considered by the Group of Experts on the future structure of the Union.

3.16 The Chairman concluded that Committee 7 had found the proposal by the delegate of Kuwait interesting and that there was a general favourable tendency to entrust detailed analysis of the possible establishment of a CCI for Space Telecommunications to the Group proposed to consider the structure and methods of work of the Union.

It was so agreed.

The meeting rose at 2310 hours.

The Secretary:

A.M. RUTKOWSKI

The Chairman:

A. VARGAS ARAYA

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to
Document 308-E
24 June 1989
Original: English/
Spanish

SUMMARY RECORD

OF THE

SEVENTEENTH MEETING OF COMMITTEE 7

1. Amend paragraphs 1.3 and 1.26 as follows, to read:

"1.3 The delegate of Canada, introducing his Administration's proposed modification to Article 11 (CAN/72/31, Document 72), said that the aims were similar to those voiced by the two previous speakers. His Delegation had no set views about the drafting, but felt that a maximum of two terms of office was reasonable.

1.26 The delegate of Canada felt that the proposal should take effect only from the entry into force of the Final Acts of the current Conference. His Delegation would have no difficulty with the Mexican Delegation's proposal but suggested that the text of No. 66 of the Convention should also be considered for consequential realignment."

2. Amend paragraph 1.15 as follows, to read:

"1.15 The delegate of Mexico said that his Delegation agreed that an official should be entitled only once to re-election to: "the same post"; the relevant part of the draft Constitution should be amended accordingly so as to avoid any interpretation which might be restrictive."

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 308-E

20 June 1989

Original: English

COMMITTEE 7

SUMMARY RECORD

OF THE

SEVENTEENTH MEETING OF COMMITTEE 7

(STRUCTURE OF THE UNION)

Thursday, 15 June 1989, at 0940 hrs

Chairman: Mr. A. VARGAS ARAYA (Costa Rica)

Subjects discussed:

Documents

1. Consideration of the terms of office of the Directors
of the International Consultative Committees

22, 57, 58,
72, 74, 96

1. Consideration of the terms of office of the Directors of the International Consultative Committees (Documents 22, 57, 58, 72, 74, 96)

1.1 The delegate of Hungary, introducing his Delegation's proposed modification to Article 11 (HNG/22/6, Document 22), said that the purpose was to apply the same provisions for the Directors of the CCIs as for all elected officials of the Union.

1.2 The delegate of Algeria, introducing the proposed modification ALG/57/7 (Document 57), said that the purpose was to enable the Board and the Union to benefit from the abilities of a greater number of experts.

1.3 The delegate of Canada, introducing his Administration's proposed modification to Article 11 (CAN/72/31, Document 72), said that the aims were similar to those voiced by the two previous speakers. His Delegation had no set views about how the modifications should be put into effect, but felt that a maximum of two terms of office was a reasonable condition.

1.4 The delegate of Nigeria introduced his Administration's proposed modification (NIG/74/6, Document 74), which aimed to provide rotational directorship, for the reasons expressed by the previous speakers.

1.5 The delegates of Chile, Mali, Tanzania and Bulgaria supported the four proposals.

1.6 The delegate of Burkina Faso supported the four proposals, and pointed out that his Administration's proposal relating to the IFRB (BFA/194/4, Document 194) had the same aim namely, that all elected officials of the ITU should be eligible for re-election once only.

1.7 The delegate of Yugoslavia said that, as expressed by his Delegation in the second Plenary Meeting, his Administration was strongly in favour of two terms of office only for elected officials - in other words, officials should be eligible for re-election once only.

1.8 The delegate of Brazil drew attention to the modification proposed by his Administration (B/58/23, Document 58), put forward for the reasons voiced by the delegates of Hungary, Algeria, Canada and Nigeria.

1.9 The Chairman invited the Committee to comment on similar proposals tabled by the Delegations of Hungary, Algeria, Canada, Nigeria and Brazil.

1.10 The delegate of Japan said that the posts of CCI Directors called for an uncommon degree of specialized talent not easy to find. The securing of continuity, experience and independence should take precedence over observance of strict rotation. The electoral process itself ensured that the most suitable candidate - whether an incumbent or a newcomer - would have the opportunity of taking up office.

1.11 The delegate of the Netherlands agreed with the delegate of Japan.

1.12 The delegate of India said that, while he appreciated the Japanese Delegation's comments, he deemed it important to limit all elected officials to two terms of office.

1.13 The delegates of Lesotho, the German Democratic Republic, the Syrian Arab Republic and Afghanistan supported the five proposals. The delegate of Indonesia also supported the five proposals tabled, whose origins showed that the notion was widely supported throughout the various regions. Even one further term of office meant that an official could serve in a post for ten years, which was surely long enough for any one person to hold office.

- 1.14 The delegate of the United Kingdom stressed that a Plenipotentiary Conference was a paramount forum whose power to choose should not be restricted. His Delegation endorsed the comments by the delegate of Japan.
- 1.15 The delegate of Mexico said that his Delegation agreed that an official should be entitled to re-election only once for the same post; the relevant part of the Draft Constitution should be amended accordingly so as to avoid any interpretation which might be restrictive.
- 1.16 The delegate of Ethiopia said that his Delegation, too, could support the five proposals in question but wondered whether the submitting delegations intended the terms of office currently being served to be counted as a first term with regard to re-election candidatures.
- 1.17 The delegate of the Islamic Republic of Iran said that his Administration would prefer a limitation to only one re-election.
- 1.18 The delegate of the USSR supported the Hungarian Delegation's proposal.
- 1.19 The delegate of Guinea said his Delegation felt that elected officers should be eligible to serve a second term of office, with a view to enhancing efficiency and accumulating experience.
- 1.20 The delegate of Austria said that, while his Delegation sympathized with the desire to guard against the holding of permanent office, the appropriate forum for that purpose was a Plenipotentiary Conference which had sovereign authority to elect or re-elect. A limitation on that authority could possibly lead to undesirable results in some circumstances.
- 1.21 The delegates of Costa Rica and Paraguay supported the five proposals as well as the proposal made by the delegate of Mexico.
- 1.22 The Chairman said that since the Mexican Delegation's proposal had received support and encountered no objection, it would be included in the current discussion.
- 1.23 The delegate of Bhutan, supporting the five proposals, also endorsed the observations by the delegates of India and Indonesia.
- 1.24 The delegate of Zambia supported the five proposals tabled. The Mexican additional proposal, while acceptable, posed difficulties because it would make it possible for one person, moving from one permanent organ to another, to remain in office for 30 years.
- 1.25 The Chairman invited the five submitting delegations to give their views on how they thought their proposals should be applied.
- 1.26 The delegate of Canada felt that the proposal should take effect only from the entry into force of the Final Acts of the current Conference. His Delegation would have no difficulty with the Mexican Delegation's proposal but suggested that the text of No. 66 of the Convention should be considered for consequential realignment.
- 1.27 The delegate of Brazil agreed that the measure should take effect after the entry into force of the current Conference's Final Acts. His Delegation would have no problem in accommodating the Mexican Delegation's proposal.
- 1.28 The delegate of Nigeria said that if his Administration's proposal was accepted, his Delegation would leave its application to the Committee.

1.29 The delegate of Algeria said that proposal ALG/57/7 related to the principle that a Director elected by a Plenipotentiary Conference should be eligible for re-election once only. In that connection, proposal ALG/57/8 was aimed at removing an ambiguity inherent in the phrase "next Plenipotentiary Conference" in order to conform to the principle, implicit in No. 92 of the Convention, that what was meant was two terms of office only. With regard to entry into force, his Delegation's understanding was the same as that of the Canadian Delegation.

1.30 The delegate of Hungary agreed with the delegates of Canada and Algeria about the entry into force of the proposed modification.

1.31 The delegate of New Zealand said that there were two distinct issues, on which the opinion of the Secretary-General should be sought. He took it that the elections conducted at the current Conference were governed by the Convention currently in force, according to No. 323 of which any Director was eligible for re-election - in other words, the current elections involved no limitation with regard to terms of office. With regard to future elections, he shared the concern voiced by the Japanese Delegation about the risk of imposing constraints on future Plenipotentiary Conferences.

1.32 The Secretary-General said the matter was a delicate one. To look at a Convention in isolation was to read one particular text. But it was normal to look also at the historical process. The elections held at the current Conference were being carried out pursuant to the Nairobi Convention. But at the 1959 Geneva Conference, for example, elections had been conducted without waiting until the 1965 Montreux Conference. Therefore, factors such as the historical process, the intention of the Nairobi Plenipotentiary Conference, length of service and other related issues had to be taken into account.

1.33 The Legal Adviser pointed out, as a complementary observation to the Secretary-General's remarks, that No. 323 of the Nairobi Convention, which governed the elections held at the current Conference, had brought about a change from the preceding Convention, according to which a CCI Director was eligible for re-election at each subsequent Plenary Assembly. Pursuant to No. 323 of the Nairobi Convention, a Director was eligible for re-election "at the next Plenipotentiary Conference". In the current text, therefore, the limitation to two terms of office already existed. It should not be overlooked, however, that the current Plenipotentiary Conference was the first at which CCI Directors would be elected. As for any transitional provisions stipulating that terms of office prior to the current Conference should be taken into account for re-eligibility - no such provisions existed either in the Nairobi Convention or in paragraph 2 of the Additional Protocol VI thereto, in which the words "by the next Plenipotentiary Conference" signified the Nice, 1989 one in the context of the current discussion. Therefore, there was no provision in the applicable texts, which imposed a legally binding requirement on the current Conference to take necessarily into account the terms of office served under the preceding régime. On the other hand, as was borne out by the summary records of the Nairobi Plenipotentiary Conference, the question of limitation to two terms of office had been discussed extensively and decided upon at Nairobi, with regard to the offices of Secretary-General and Deputy Secretary-General, on the one hand, and the Directors of the CCIs, on the other. However, a limitation to two terms of office for the CCI Directors, as far as the changeover from the former system to the current one was concerned, was not reflected in any of the Convention's provisions which, however, in its No. 323, already contained such a limitation to two terms of office with regard to the current system itself.

1.34 The delegate of New Zealand thought that the best procedure would be for Committee 7 to continue its deliberations and see what arose in the course of the debate.

1.35 The delegate of Spain said that the Legal Adviser had admirably outlined the position. However, the Spanish Delegation would be grateful for confirmation of its own interpretation of the explanation, namely that should the incumbent Directors of the CCIs be re-elected at the current Plenipotentiary Conference, that would not be deemed as a re-election in application of the proposals under discussion.

1.36 The Legal Adviser said that any candidate elected as a Director of a CCI at the Nice Plenipotentiary Conference was eligible for re-election at the next Plenipotentiary Conference only, in conformity with No. 323 of the Nairobi Convention, which limited the Directors to two terms of office (as it did for the Secretary-General and the Deputy Secretary-General). As he had already stated, both the spirit and the letter of the Nairobi Convention introduced a change in the matter of re-eligibility by limiting those four elected officials (the Secretary-General, the Deputy Secretary-General and the Directors of the CCIs), to two terms of office. The same did not apply to the five members of the IFRB.

1.37 The delegate of Italy expressed concern that the proposals implied that a Director, who was an expert in a very specialized area, might have to be replaced just when he was deeply involved in his activities. He therefore proposed as a compromise solution that the Directors of the CCIs should be elected by a simple majority for their first election and first re-election, but by a two-thirds majority for the second re-election. The Plenipotentiary Conference would thus in special cases be able to re-elect certain officials.

1.38 The delegate of Jamaica endorsed the view that no incumbent, however important, was indispensable. In a changing telecommunications environment there were a large number of highly qualified personnel who would like to participate in the work of the Union. He therefore supported the proposals by the five countries. The statement made by the delegate of Zambia was extremely useful and the meeting would do well to reflect upon it.

1.39 The delegate of Pakistan said that given the fact that the post of Director of a CCI was a technical one, and that technology was advancing rapidly, it was extremely difficult for anyone remaining in the same post to keep up with change. The proposal made by Canada and other countries to limit re-election to a maximum of two terms was therefore a good one which he fully supported.

1.40 The delegate of Tanzania said that the Conference had a duty and obligation to formulate provisions reflecting the international nature of the Union, and to ensure that those provisions lived up to future expectations. It would be unfortunate if the provisions for elected officials were left open-ended in view of the large number of outstanding candidates in administrations who would like to undertake duties in the CCIs. He strongly supported the statement made by the delegate of Nigeria and emphasized the point concerning indispensability made by the delegate of India.

1.41 The delegates of Turkey and Sudan fully supported the proposal by Algeria, Canada and others that the Directors of the CCIs should be eligible for re-election only once.

1.42 The delegate of Colombia also fully supported the proposals made by the five countries. However he wondered how that provision would be applied if a special conference were convened.

1.43 The delegate of India expressed appreciation for the spirit of the remark, that no one person was indispensable. The period during which a person remained in office was the important issue.

1.44 The Chairman said that the Committee had listened to the presentation of five proposals, which had been supported and given in-depth consideration, as well as explanations by the Secretary-General and the Legal Adviser. The way in which Committee 7 should proceed now appeared to be clear. Summing up, therefore, he said that in accordance with the opinion of the Legal Adviser, the Directors of the CCIs were already limited to two terms of office by the Nairobi Convention. After the Nice Plenipotentiary Conference, they could only be re-elected once more. The majority of speakers had reaffirmed the Nairobi decision for two terms of office maximum for the elected posts of Directors of the CCIs. In a further clarification, the Legal Adviser had stressed the limit already established in No. 323 of the Convention, in which respect the Nairobi Convention had taken a different position from previous Conventions. By its Final Acts and its legislative record, the Nairobi Plenipotentiary Conference also clearly indicated its wish to limit to two the terms of office of the four elected officials, Secretary-General, Deputy Secretary-General and the two Directors of the CCIs. The Legal Adviser had also indicated that neither the Nairobi Convention nor Additional Protocol No. 4 contained a provision which stipulated that previous periods of office resulting from election at CCI Plenary Assemblies should be taken into consideration when considering eligibility for re-election to the two posts of CCI Directors at the current Plenipotentiary Conference. From the views expressed it was clear that the vast majority of delegates wished to see a limit to the mandates of the Directors of the CCIs, as proposed by five administrations, more explicitly written into the Convention. Strictly speaking, according to the Nairobi Convention, the present Directors of the CCIs could be elected by the current Plenipotentiary Conference in Nice and re-elected at the next Plenipotentiary Conference.

He would submit that summary to the Plenary Meeting.

1.45 The delegate of Mexico asked for the summary to include some reference to his own proposal which had been supported by some of the five administrations mentioned.

1.46 The delegate of China said that Document 78 contained a proposal by her Administration which Committee 7 was requested to take into account. The Directors of the two CCIs should be eligible for re-election once only, allowing for a rotation of incumbents.

1.47 The Chairman replied that both Mexico's and China's proposals would be included in his report.

1.48 The delegate of Paraguay fully supported the Chairman's summary but proposed that in view of his workload he should not have to submit it in writing.

1.49 The delegate of Algeria drew attention to his Delegation's complementary proposal on the question of eligibility in relation to No. 323 of the Convention. If that provision were left as it stood, a candidate who had already been elected twice could be re-elected at the next Plenipotentiary Conference, which meant that there was virtually no limit on a Director's eligibility. The delegate of Kenya shared that concern, mentioning his Delegation's proposals on this matter, including the possibility of a special Plenipotentiary Conference.

1.50 The Legal Adviser explained that his previous reply had been limited to requests put forward and he had been unable to touch on the matter of an extraordinary or special conference. He had been made aware of the notion of a special conference and had been surprised from the outset by the use of the expression "special session", which was legally inappropriate. The Conference was considering, as intended, a structural review which would result in amendments to the Constitution and Convention. Such amendments could be made only by a Plenipotentiary Conference and no other, because in accordance with the basic instrument of the Union that task was the responsibility of the supreme organ of the Union alone. Legally, therefore, the special

conference had to be a Plenipotentiary Conference. If it were not, the results of the studies carried out in the interim could not be applied. Algeria's problem could therefore be solved because the next conference would be a Plenipotentiary Conference, and No. 323 could remain unchanged. That would in no way hinder the adoption of the proposals just discussed, either by stating something explicitly or aligning the text with that relating to the Secretary-General or Deputy Secretary-General.

1.51 The Chairman said that in the absence of further comment and if his summary was acceptable to the Committee, the five delegates concerned would together draft a single text on the basis of the conclusions just heard.

It was so agreed.

USA/96/9 and USA/96/10

1.52 The delegate of the United States explained that proposal USA/96/9 was a consequence of USA/96/10, in which his Administration was presenting a procedure whereby administrations could nominate candidates for election at the next session of the Administrative Council if the post of Director of a CCI became unexpectedly vacant. The proposed provision was directly in line with provisions for the IFRB.

1.53 The delegate of Greece supported proposal USA/96/10 on the understanding that it had nothing to do with the subject just discussed and was intended to settle the question of a vacancy between Plenipotentiary Conferences.

1.54 The Chairman said that the discussion could now focus only on proposal USA/96/10, as Committee 7 had just adopted a position on the subject convened by USA/96/9.

1.55 The delegate of the United States said that proposal USA/96/9 did have a bearing on the earlier discussion but the two proposals were coupled together.

1.56 The delegate of Algeria said that the United States' proposal concerned a vacant post and was similar to a proposal for No. 323 put forward by his Delegation. He therefore supported it. No. 268 also covered the question of vacancies.

1.57 The Legal Adviser explained that the Group of Experts had transferred that part of No. 323 from the Convention to the Constitution in order to bring it into line with the practice followed for the Secretary-General and Deputy Secretary-General in case of vacancies, and for Members of the Board. In both cases the issue was dealt with in the first part of the Nairobi Convention and the Group of Experts had felt that the Directors of the CCIs should be subject to the same treatment.

1.58 The delegate of India said that the text for No. 94 as drafted by the Group of Experts was perfectly adequate and met the requirements in an appropriate way. There was no need to delete anything from No. 94 as the United States proposed to put it into No. 94A, because it was for the Administrative Council to appoint a new Director when a vacancy arose. The situation was different from that of the Members of the IFRB.

1.59 The Chairman said that the discussion would be continued at the Committee's next meeting.

The meeting rose at 1230 hours.

The Secretary:

A.M. RUTKOWSKI

The Chairman:

A. VARGAS ARAYA

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to
Document 309-E
27 June 1989
Original: English/
French

SUMMARY RECORD

OF THE

TWELFTH MEETING OF COMMITTEE 8

Replace section 1.6, sixth line down, by the following text:

"standards among the three million Chinese technicians, engineers and staff concerned with the field of telecommunications ..."

Replace section 1.24, as from line 4, by the following text:

"... The introduction of additional working languages would also involve more expenditure and he therefore thought that the best solution for the time being was no change, at least until a decision to the effect that the other objectives (zero rise in budget and additional expenditure for technical cooperation) do not need highest priority."

Replace section 1.30, as from the fourth sentence, by the following text:

"The ITU was up against competition from other standard-making organizations; the introduction of additional languages could delay its work, thus weakening its position on the international scene. He therefore supported the status quo."

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 309-E
20 June 1989
Original: English

COMMITTEE 8

SUMMARY RECORD

OF THE

TWELFTH MEETING OF COMMITTEE 8

(PURPOSES, RIGHTS AND OBLIGATIONS)

Thursday, 15 June 1989, at 0935 hrs

Chairman: Mr. M.F. DANDATO (Zimbabwe)

Subjects discussed:

1. Article 16 of the draft Constitution
Languages (continued)

Documents

Document A
40, 281, DT/40

1. Article 16 of the draft Constitution: Languages (Nos. 124-135)
(continued) (Documents A, 40 281 and DT/40)

1.1 The Chairman said that in view of the discussions at the previous meeting and the need to handle such a sensitive issue with great care, he suggested that the Committee deal first with Nos. 126, 129 and 130 of Article 16, on which the only proposals were for no change, and then deal with the proposals to modify or not to change Nos. 125, 128 and 131 as a single package.

1.2 The delegate of Saudi Arabia, supported by the delegates of Kuwait, Iraq and Morocco, questioned that suggestion on the grounds that priority should be given to the more important problem relating to No. 125 which had already arisen.

1.3 The delegate of China supported the Chairman's suggestion, adding that each delegation should introduce its own proposals on Nos. 125, 128 and 131, after which they should be discussed as a whole. He also proposed that in order to speed progress, an ad hoc Group should then be formed to study the matter and report to the Committee.

1.4 The delegate of Canada endorsed the Chairman's suggestion and supported the proposal by the delegate of China for the establishment of an ad hoc Group.

1.5 The delegates of the USSR and Mongolia also endorsed the Chairman's suggestion, which was approved.

Nos. 126, 129 and 130.

Approved without change.

Nos. 125, 128 and 131.

1.6 The delegate of China introduced his Administration's proposals to modify No. 128 (CHN/159/1) and No. 131 (CHN/159/2), saying that they were prompted by the importance of languages for promoting ITU activities and by the fact that Chinese had always been a working language in the United Nations. The adoption of Resolution No. 65 of the Nairobi Plenipotentiary Conference had promoted understanding of international standards among the three million Chinese workers in the field of telecommunications. It would be very beneficial for the global development of telecommunications if the Union's international standards could be adopted by China, whose inhabitants represented one fifth of the world's population. But the language barrier was such that Chinese personnel still had serious difficulty in understanding the Union's standards and participating in its activities. His Administration therefore hoped that the use of Chinese by the ITU would be increased, to enable China to take a more active and effective interest in the Union's activities and international telecommunications. In view of the possible financial difficulties, however, his Administration had avoided making any excessive requests in the hope that its proposals would be seen as reasonable and adopted by the Conference.

1.7 The delegate of the Ukrainian Soviet Socialist Republic introduced the proposals to modify No. 131 of the draft Constitution and No. 215 of the draft Convention put forward jointly by his Administration and that of Mongolia (MNG/UKR/281/1 and 281/2). There were great possibilities for developing telecommunications in his country and language was an important instrument in that process. Russian was spoken by a large part of the world's population and others for whom it was not their native language were happy to use it. The proposed additions to No. 131 of the draft Constitution and No. 215 of the draft Convention therefore aimed to extend the use of Russian, Arabic and Chinese alike as working languages, in order to broaden the scope for international cooperation. The proposals would not have major financial implications.

1.8 The delegate of Mongolia expressed complete support for the previous speaker's remarks, pointing out that the three languages in question were used by more than half of the world's population and were working languages of the United Nations. Adopting them as working languages of the ITU would contribute greatly to promoting the participation in the work of the Union of the countries where they were spoken and to the development of its technical cooperation activities. Her Administration therefore hoped that the Committee would decide in favour of adopting the proposals.

1.9 The delegate of Brazil, speaking on his Administration's proposal that Article 16 as a whole be approved without change (B/58), said that, after listening to all the arguments, he saw no particular reason to change the provisions of Nos. 125, 128 and 131. He therefore thought that they should remain as they were.

1.10 The delegate of the United States, questioning some of the statements made in the discussion, asked for official clarification of the status of the six languages in question at the United Nations.

1.11 The Head of the Department of Conferences and Common Services undertook to provide that information as soon as possible (see Document DT/49).

1.12 The Chairman summarized the principal reasons adduced for and against changing Nos. 125, 128 and 131, and invited the Committee to discuss the various proposals made, avoiding unnecessary repetition and keeping interventions as brief as possible.

1.13 The delegate of Iraq said that the official languages in question should be made working languages on principle, because telecommunications could not be developed without expanding the dissemination of information, which in turn could not be done without extending the use of different languages. The transfer of technology and the participation of ITU Member countries in the work of the CCIs would also suffer unless the number of working languages was increased. English, French and Spanish were working languages for historical reasons but with the accession of more Member countries, the use of Arabic, Russian and Chinese had increased and it was time to adjust to that fact. The financial arguments against change had some substance but were also used as an excuse for not taking action. In view of the importance of the language issue for technical cooperation and standardization, funds should be found to solve it. The information contained in the document prepared as an annex to the record of the previous meeting was not objective; for example, the problem of indirect translation could be avoided if the funds needed were made available. The European Community used numerous working languages without difficulty. The delegate of Morocco had been justified in asserting the right of Arabic, as the language of 21 ITU Member countries and of the Muslim faith, to become one of the Union's working languages. The issue was of great significance and a solution could be found to the financial problems involved.

1.14 The delegate of Venezuela, supporting the Brazilian proposal for no change, said that his attitude was dictated by the problem of costs, as indicated in the annex to the summary record of the previous meeting. The question was where the funds could be found to meet those costs. He doubted that the Committee could agree to increase the number of working languages at a time of great economic difficulties for many Member countries, in view of the serious financial implications of such a decision.

1.15 The delegate of the USSR said that the figure of 13 million Swiss francs a year produced in Annex 1 to the summary record of the eleventh meeting as the cost of each extra working language was dubious, since it was based on the worst possible assumptions. He would also like to have better official information about the status of the various languages used in the United Nations. As the discussion had shown, the situation was very complicated. He believed that thorough consideration of all the

proposals before the Committee was necessary to enable it to reach an acceptable conclusion.

1.16 The delegate of Saudi Arabia said that the problem of cost applied to all of the Union's work. When Saudi Arabia increased its contribution to the ITU budget from one unit to ten units in 1982, its aim had been to obtain for Arabic the consideration and help that it merited, and to induce the Union to accord it the status requested by all Arab countries. A repetition of what had happened at the Plenipotentiary Conference in Nairobi would be unacceptable. He therefore reiterated Saudi Arabia's view that Arabic should be treated as a working language on an equal footing with those already in use.

1.17 The delegate of the Netherlands said that, so far as the principle of additional working languages was concerned, both Arabic and Russian should receive equal treatment. She fully understood that it would be much easier for everyone if they could express themselves in their mother tongue. However, while she sympathized with their wishes, she was opposed to the proposals because of the cost involved. In introducing Document 40, the Secretariat had explained that two additional working languages would mean additional expenditure of some 26 million Swiss francs annually. The annual ordinary budget of the ITU was about 100 million Swiss francs, of which eight million were at present spent on languages. With the addition of two new working languages, therefore, the budget would be increased to 126 million Swiss francs, of which 35 million Swiss francs would be spent on languages. Her Delegation could not accept that. The Conference was discussing improvements in the working methods of the Union with a view to obtaining greater efficiency and streamlining so as to save money which could be put to better use. The three main tasks of the Union were standardization, frequency management and technical cooperation and priorities should be set so that the bulk of the money could be spent on them. She therefore supported the Brazilian proposal for no change in Article 16.

1.18 The delegate of Qatar said that his Delegation's request was a logical and practical one. All Members were convinced by its logic and the budgetary implications were a secondary argument.

1.19 The delegate of Czechoslovakia said that because there was not one common world-wide language, language might become a barrier to mutual communication. Since in his region, the post-war generation was fluent in Russian, he would like that to become a working language of the Union. He fully understood and was prepared to abide by the financial implications of the proposals and he believed that the arrangements for the introduction of new working languages should be considered as a package.

1.20 The delegate of the Sudan said that the Union must keep in step with modern trends and with the need for the expanded use of languages. The number of countries which used Arabic was greater than the number of the original founders of the ITU. The Arabic-speaking countries endorsed international cooperation between all peoples and felt that the Committee should meet the Union's requirements by adopting Arabic as a working language. Not merely the financial but all aspects of the subject should be taken into consideration.

1.21 The delegate of the Yemen Arab Republic, supporting the use of Arabic as a working language, endorsed the comments made by the Saudi Arabian delegate to the effect that financial implications were being used as a pretext. It must be realized that a certain expenditure was necessary for all the Union's activities.

1.22 The delegate of the United Kingdom said that, while he had great sympathy for those who desired the introduction of additional working languages, the problem was one of resources and of priorities with a view to the efficient working of the Union. The present impressive speed of translation and reproduction of documents would be

adversely affected if further languages were added. He pointed out that the current practice in the ITU in respect of languages was more generous than in some other United Nations specialized agencies, such as the UPU, and that other agencies did not have so many meetings as the ITU. Moreover, in Document 193, Committee 4 had asked the other Committees to consider very carefully the cost implications of any decisions taken and to associate them with certain priorities. He therefore supported the Brazilian proposal for no change in Article 16.

1.23 The delegate of Australia, while sympathizing with the general desirability of the objective, said that because of the serious financial constraints involved it was incumbent on the proponents of the change to identify where the necessary savings were to be found, and how the change could be implemented without impairing the efficiency of the Union. He therefore supported no change.

1.24 The delegate of the Federal Republic of Germany while also expressing sympathy with the proponents of the motion, pointed out that, on the one hand, there was an appeal not to increase the ITU budget and on the other, a need to increase technical cooperation which would demand more funds. The introduction of additional working languages would also involve more expenditure and he therefore thought that the best solution at that time was no change.

1.25 The delegate of India supported the proposal of the Arabic-speaking group of countries for the introduction of Arabic as a working language and welcomed the similar USSR proposal concerning Russian.

1.26 The delegate of Canada endorsed the views expressed by the delegates of Venezuela, the Netherlands, the United Kingdom, Australia and the Federal Republic of Germany. His Delegation could accept a modest increase in the Union budget, but such an increase must be used for the programmes with highest priority and of greatest benefit to the developing countries. Therefore, in view of the huge costs involved, he supported no change.

1.27 The delegate of Morocco, commenting on the views of those who had said that technical cooperation was of higher priority than the introduction of additional working languages, pointed out that Arabic was both the official and working language of 22 countries and was also in use in many other countries. He further stressed the difficulties encountered by the Arabic speaking delegates who were unable to consult ITU documents in Arabic. He requested information from the Secretariat regarding the procedure in other specialized agencies and how they financed the use of languages. So far as the introduction of additional working languages was concerned, the cost issue was not the only one to be taken into account. It could be seen from Document 105(Rev.1) that the Study Groups of the CCITT cost some six to eight million Swiss francs annually, and he wondered what benefits the Arabic-speaking countries were receiving from those Study Groups which their Administrations were helping to finance. Resolution No. 65 had been a satisfactory solution in Nairobi, but the situation had evolved and changed and it was necessary to make progress.

1.28 The delegate of the United Kingdom, speaking on a point of order, said that in order to comply with the Chairman's directive that speakers should limit themselves to one minute, he had reduced the length of his intervention and he believed that all speakers should be treated alike.

1.29 The Chairman again appealed to speakers to respect the one-minute time limit.

1.30 The delegate of Switzerland said that, as an inhabitant of a multilingual country, he sympathized with the requests under discussion. However, the cost would represent about one-fifth of the Union's budget and that was much too high. Moreover, in addition to financial costs, there would be a cost in time. The ITU was already

being overtaken by other standard-making organizations and the introduction of additional languages would delay its work and weaken its international position. He therefore supported no change.

1.31 The delegate of Kuwait said, with reference to the financial difficulties, that the basis on which Document 40 was produced was not realistic since it gave, as an example, a ten-week period for a WARC whereas there had been no WARC lasting ten weeks since 1982. Moreover, the introduction of Arabic would lead to some compensatory saving since Arabic documents would to some extent replace those produced in English or French.

1.32 The delegate of the Ukrainian Soviet Socialist Republic wished, in view of the wide divergence of views expressed, to draw attention to the proposal by the Mongolian People's Republic and his Delegation in Document 281 which might be considered as a compromise solution. He suggested the setting up of a small working group to consider the matter.

1.33 The delegate of Syria said that the introduction of Arabic was vital to enable 21 countries Members of the Union to assimilate its work properly. Arabic was the language of university training for specialists and engineers in the Arab world. The proposal would also be of benefit to the industrialized countries, and he believed that its benefits would exceed its financial costs.

1.34 The delegate of Italy observed that traditionally there had been a very limited number of international languages but more recently, with the development in communications between the various regions of the world, that number had been increasing. He referred to the cultural enrichment of Europe by the Arab civilization in the Middle Ages. The question of the use of additional languages and the costs involved had been discussed at various plenipotentiary conferences. His Administration was considering choosing a higher class of contributory unit, which would make it more difficult for it to meet the costs involved in the introduction of additional working languages. Hence, while his Delegation was reluctant to turn the proposal down, it could only consider it further if the costs could be contained within acceptable limits.

1.35 The delegate of the United States said that in general the ITU used more languages than most other United Nations agencies and he would like further information about the use of languages in the other specialized agencies. Many delegations had mentioned the need for additional expenditure on technical cooperation; there was also the possible establishment of a new technical development organ and the conference programme, all of which required money. Therefore, while he sympathized with the language issue, it must be seen in the context of the expenditure of some 13 million Swiss francs per additional language, and he could not support any change in the situation until the exact financial implications were known.

1.36 The delegate of Algeria said that his Delegation was in favour of the expansion of the use of languages such as Arabic, Russian and Chinese. Languages formed the basis of communication and that was the main purpose of the Union as indicated in Article 4 of the Convention. He therefore strongly supported the proposal by the Arabic-speaking delegations.

1.37 The delegate of Bulgaria said that the purpose of the Conference was to improve the efficiency of the organization of the ITU and one way of doing that would be to solve linguistic problems. At the same time, it was necessary to husband the Union's limited resources. To convert all official languages into working languages would be very costly and to do so for only one language would be unacceptable but he wondered on what basis priorities could be established: the number of countries where the language

was spoken, their contribution to the Union's work, their participation in technical cooperation, etc. His view, therefore, was that the status of the three additional languages proposed should be changed together but in a gradual manner as in the Mongolian and Ukrainian Soviet Socialist Republic proposal.

1.38 The Chairman suggested the establishment of a small working group to study Article 16 in conjunction with Article 19.

1.39 The delegate of Saudi Arabia, supported by the delegates of Kuwait and Iraq, said the issue of working languages was of such crucial importance that it could not be settled in the short space of one or two meetings, and he opposed the establishment of a working group until the Committee had had an opportunity to discuss the matter at greater length.

1.40 The Chairman said that in view of the time constraints involved and the many other items on the agenda, it was not practical at that stage to devote more time in full Committee to the question of languages.

1.41 The delegates of the Byelorussian Soviet Socialist Republic and Mongolia supported the Chairman's suggestion to set up a working group.

1.42 The delegate of Venezuela asked for the additional information documents requested from the Secretariat to be made available to the whole Committee and not merely to the proposed working group.

It was finally agreed that an informal ad hoc Group be set up under the chairmanship of the Chairman of Committee 8 and consisting of the delegates of Saudi Arabia, Morocco, Kuwait, Iraq, China, the USSR, the Ukrainian Soviet Socialist Republic, Mongolia, the United Kingdom, Spain, France, Venezuela and Syria, to consider all the views expressed and information received and report back to Committee 8 with a proposed text for Article 16. Other delegations which so wished might attend the meetings of the informal ad hoc Group but without the right to intervene.

The meeting rose at 1240 hours.

The Secretary:

D. SCHUSTER

The Chairman:

M.F. DANDATO

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 310-E

15 June 1989

Original : English

COMMITTEES 4, 6, 9

NOTE BY THE CHAIRMAN OF COMMITTEE 7 TO THE CHAIRMEN OF COMMITTEES 4, 6 and 9

Following the adoption of the principle to set up a permanent organ for telecommunications development at the same level and with the same status as the other permanent organs of the Union, the matter is transmitted to Committee 4 for financial implications and Committees 6 and 9 for appropriate action.

A.VARGAS-ARAYA
Chairman

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 311(Rev.1)-E

17 June 1989

Original: English

COMMITTEE 7

Algeria, Angola, Benin, Burkina Faso, Cameroon, Cape Verde,
Central African Republic, Congo, Egypt, Ethiopia, Gambia,
Iran (Islamic Republic of), Kenya, Lesotho, Libya,
Madagascar, Malawi, Mali, Morocco, Nigeria, Syria,
Rwanda, Senegal, Sudan, Tanzania, Tunisia,
Zambia, Zimbabwe

PROPOSALS FOR THE WORK OF THE CONFERENCE

DRAFT CONSTITUTION

ARTICLE 11A

1. The essential duties of the Telecommunication Development Bureau (TDB)
 - a) To promote appropriate telecommunications policies coherent with the changing telecommunications environment with a view to facilitating and enhancing the development, expansion and operation of world-wide efficient and effective telecommunications systems, networks and services.
 - b) To organize and coordinate technical cooperation and assistance programmes of the Union.
 - c) To coordinate regional telecommunications development activities which would enhance the growth of networks and services, and to assist in the search for financing for projects of a regional nature.
 - d) To offer assistance that would enhance the telecommunications development programmes of developing countries and the associated network management, to further provide advice on procurement and financing matters that would facilitate the economic and efficient realization of such projects.
 - e) To enhance the association of industry with telecommunications development in developing countries including transfer of technology and offer advice on the choice of appropriate technology for integrated telecommunications development both at the national and regional levels.
 - f) To offer assistance in the manpower development of developing countries by continuous appraisal and update of ITU training programmes and to participate in the establishment and/or upgrading of regional and national telecommunications training centres.

- g) To promote research and development in the field of telecommunications in developing countries.
- h) To offer advice on economical, financial, managerial, regulatory and policy issues of telecommunications operations and development to countries requesting for such advice.
- i) To provide on a short-term basis, specialists of high calibre to advise on aspects of creating and operating an effective public network and to assist on specific projects.
- j) To study questions and formulate recommendations chiefly connected with the establishment, development and improvement of telecommunications networks in developing countries in both the regional and international fields.
- k) To develop a general plan for international and regional telecommunications networks so as to facilitate their respective coordinated development towards the provision of telecommunication services.
- l) To provide technical support in making preparations for and organizing world and regional development conferences.

2. The Telecommunication Development Bureau shall have as members:

- a) of right, the administrations of all Members of the Union;
- b) any recognized private operating agency which, with the approval of the member which has recognized it, expresses a desire to participate in the activities of the Development Bureau.

3. The Telecommunication Development Bureau shall work through the medium of:

- a) its world development conference;
 - b) its regional development conference;
 - c) a Director elected by the Plenipotentiary Conference and appointed in accordance with No. [].
-

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 311-E

16 June 1989

Original: French

COMMITTEE 7

Algeria, Angola, Benin, Burkina Faso, Cameroon, Cape Verde,
Central African Republic, Ethiopia, Gambia, Kenya, Lesotho, Madagascar,
Mali, Morocco, Nigeria, Rwanda, Senegal, Sudan,
Tanzania, Tunisia, Zambia, Zimbabwe

PROPOSALS FOR THE WORK OF THE CONFERENCE

DRAFT CONSTITUTION

ARTICLE 11A

1. The essential duties of the Telecommunication Development Office (TDO)
 - a) To promote an appropriate telecommunication development policy consistent with the changing telecommunication environment with a view to facilitating and improving the development and operation of efficient and effective telecommunication systems, networks and services all over the world.
 - b) To study questions and formulate recommendations connected chiefly with the establishment, development and improvement of telecommunication networks in developing countries at both the regional and the international level.
 - c) To organize and coordinate technical cooperation and assistance programmes of the Union.
 - d) To coordinate regional telecommunication development activities which will encourage the growth of networks and services, and to assist in the search for financing for projects of a regional nature.
 - e) To offer assistance that will further the telecommunication development programmes of developing countries and the associated network management, and also to provide advice on procurement and financing matters that will facilitate the economic and efficient realization of projects in this field.
 - f) To improve industry's participation in telecommunication development in developing countries, particularly with regard to transfer of technology and advice on the choice of appropriate technology for integrated telecommunication development both at the national and at the regional and international levels.
 - g) To contribute to human resources development in developing countries by continuous appraisal and updating of ITU training programmes and improvement of facilities for teaching and instruction.
 - h) To participate in the establishment and/or upgrading of regional and national telecommunication training centres and to promote research and development in the field of telecommunications in developing countries.

- i) To provide advice on economical, financial, managerial, regulatory and policy issues of telecommunication operation and development to countries requesting such advice.
- j) To provide, on a short-term basis, specialists of high calibre to advise on aspects of creating and operating a public telecommunication network and to assist on specific projects.
- k) To develop a global plan for international and regional telecommunication networks so as to facilitate their respective coordinated development towards the provision of telecommunication services.
- l) To provide technical support in making preparations for and organizing world and regional development conferences.

2. The Telecommunication Development Office shall be composed of:

- a) the administrations of all Members of the Union, as members by right;
- b) any recognized private operating agency which, with the approval of the Member which has recognized it, expresses a desire to participate in the activities of the Development Office.

3. The Telecommunication Development Office shall work through the medium of:

- a) its world development conferences;
- b) its regional development conferences;
- c) a Director elected by the Plenipotentiary Conference and appointed in accordance with No. []. He shall be eligible for re-election once only.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 312(Rev.3)-E

20 June 1989

Original: English

PLENARY MEETING

Algeria. Saudi Arabia. Bahrain. Bangladesh. Burkina Faso. Congo. Djibouti.
Egypt. United Arab Emirates. Iran (Islamic Republic of). Iraq. Jordan.
Kuwait. Lebanon. Libya. Maldives. Mali. Morocco. Oman. Pakistan.
Qatar. Syria. Senegal. Somalia. Sudan. Tunisia.
Yemen A.R.. Yemen (P.D.R. of). Zimbabwe

DRAFT RESOLUTION RELATING TO

Condemnation of the Practices of Israel in the Occupied Arab Territories

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

recalling

the Charter of the United Nations and the Universal Declaration of Human
Rights,

considering

that the fundamental principles of the International Telecommunication
Convention (Nairobi, 1982) are designed to strengthen peace and security in the world
for the development of International Cooperation and better understanding among
peoples,

bearing in mind

- Resolution No. 48 of the International Telecommunication Convention
(Malaga-Torremolinos, 1973) relating to the destruction of means of telecommunication
of states Members of the ITU;

- Resolution No. 74 of the International Telecommunication Convention
(Nairobi, 1982) regarding Israel and assistance to Lebanon;

- Resolution No. 607, 6 October 1988, of the Security Council concerning the
policy of deportation of Palestinians from their territory;

- Recommendation No. 1 of the International Telecommunication Convention
(Nairobi, 1982) relating to the unrestricted transmission of news,

noting

that Israel has refused to accept and to implement the numerous relevant
resolutions of the United Nations Security Council and General Assembly,

alarmed by

Israel's repressive practices against the uprising ("Intifada") of the Palestinian people and against Arab civilians in the Palestinian and other occupied Arab territories,

convinced

that these practices constitute manifest violations of the principles of international law and human rights as well as of the principles of the Fourth Geneva Convention (1949) relating to the protection of civilians during armed conflicts,

concerned by

the fact that the Israeli occupation authorities deliberately and repeatedly interrupt the means of telecommunication within the Palestinian and other occupied Arab territories, in breach of the principles of Articles 18 and 25 of the International Telecommunication Convention (Nairobi, 1982),

vigorously condemns

Israel's continual violation of international law, its repressive practices against the Palestinian people and the refusal by Israel to recognize their fundamental and Legitimate Rights;

irrevocably condemns

the deliberate isolation by Israel of the occupied Palestinian and other Arab territories from the outside world and the restriction of free transmission of information;

resolves

that World and Regional Administrative Radio Conferences and the IFRB shall take due account of and safeguard the requirements of the occupied Palestinian territories in all matters relating to the utilization of the frequency spectrum and satellite positions on the geostationary orbit;

instructs the Administrative Council

to form a committee from among its Members with the task of ascertaining the facts concerning Israel's violations of the International Telecommunication Convention and to report to the Administrative Council on these violations which, within the occupied Palestinian and other Arab territories, prevent the Palestinian people and Arab civilians from making free use of telecommunication facilities;

instructs the Secretary-General

to find suitable means of providing technical support and assistance for the benefit of the Palestinian people in order to improve the situation of telecommunications in the occupied territories;

requests the Chairman of the Plenipotentiary Conference

to bring this Resolution immediately to the attention of the Secretary-General of the United Nations.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 312(Rev.2)-E

19 June 1989

Original: English

PLENARY MEETING

Algeria, Saudi Arabia, Bahrain, Bangladesh, Burkina Faso, Congo, Djibouti,
Egypt, United Arab Emirates, Iran (Islamic Republic of), Iraq, Jordan,
Kuwait, Lebanon, Libya, Maldives, Morocco, Oman, Pakistan,
Qatar, Syria, Senegal, Somalia, Sudan, Tunisia,
Yemen A.R., Yemen (P.D.R. of), Zimbabwe

DRAFT RESOLUTION RELATING TO

Condemnation of the Practices of Israel in the Occupied Arab Territories

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

recalling

the Charter of the United Nations and the Universal Declaration of Human
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instructs the Secretary-General

to find suitable means of providing technical support and assistance for the benefit of the Palestinian people in order to improve the situation of telecommunications in the occupied territories;

requests the Chairman of the Plenipotentiary Conference

to bring this Resolution immediately to the attention of the Secretary-General of the United Nations.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 312(Rev.1)-E

19 June 1989

Original: English

PLENARY MEETING

Algeria, Saudi Arabia, Bahrain, Burkina Faso, Congo, Djibouti,
Egypt, United Arab Emirates, Iran (Islamic Republic of), Iraq,
Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Pakistan,
Qatar, Syria, Senegal, Somalia, Sudan, Tunisia,
Yemen A.R., Yemen (P.D.R. of), Zimbabwe

DRAFT RESOLUTION RELATING TO

Condemnation of the Practices of Israel in the Occupied Arab Territories

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

recalling

the Charter of the United Nations and the Universal Declaration of Human
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(Malaga-Torremolinos, 1973) relating to the destruction of means of telecommunication
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instructs the Secretary-General

to find suitable means of providing technical support and assistance for the benefit of the Palestinian people in order to improve the situation of telecommunications in the occupied territories;

requests the Chairman of the Plenipotentiary Conference

to bring this Resolution immediately to the attention of the Secretary-General of the United Nations.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 312-E

16 June 1989

Original: English

PLENARY MEETING

Algeria, Saudi Arabia, Bahrain, Congo, Egypt, United Arab Emirates, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Pakistan, Qatar, Syria, Senegal, Somalia, Sudan, Tunisia, Yemen A.R., Yemen (P.D.R. of)

DRAFT RESOLUTION RELATING TO

Condemnation of the Practices of Israel in the Occupied Arab Territories

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

recalling

the Charter of the United Nations and the Universal Declaration of Human Rights,

considering

that the fundamental principles of the International Telecommunication Convention (Nairobi, 1982) are designed to strengthen peace and security in the world for the development of International Cooperation and better understanding among peoples,

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that these practices constitute manifest violations of the principles of international law and human rights as well as of the principles of the Fourth Geneva Convention (1949) relating to the protection of civilians during armed conflicts,

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vigorously condemns

Israel's continual violation of international law, its repressive practices against the Palestinian people and the refusal by Israel to recognize their fundamental and Legitimate Rights;

irrevocably condemns

the deliberate isolation by Israel of the occupied Palestinian and other Arab territories from the outside world and the restriction of free transmission of information;

resolves

that World and Regional Administrative Radio Conferences and the IFRB shall take due account of and safeguard the requirements of the occupied Palestinian territories in all matters relating to the utilization of the frequency spectrum and satellite positions on the geostationary orbit;

instructs the Administrative Council

to form a committee from among its Members with the task of ascertaining the facts concerning Israel's violations of the International Telecommunication Convention and to report to the Administrative Council on these violations which, within the occupied Palestinian and other Arab territories, prevent the Palestinian people and Arab civilians from making free use of telecommunication facilities;

instructs the Secretary-General

to find suitable means of providing technical support and assistance for the benefit of the Palestinian people in order to improve the situation of telecommunications in the occupied territories;

requests the Chairman of the Plenipotentiary Conference

to bring this Resolution immediately to the attention of the Secretary-General of the United Nations.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to
Document 313-E
27 June 1989
Original: English

COMMITTEE 3

SUMMARY RECORD

OF THE

SECOND MEETING OF COMMITTEE 3

Paragraph 3.3

Amend as follows:

"3.3 The delegate of the United Kingdom said that ... Secretariat. If the cost of night meetings had not been sufficiently taken into account in the budget estimates, the matter should be brought to the attention of the Chairman of the Conference and the Steering Committee, if possible with an estimate of the extra cost involved in holding one full evening or night Plenary meeting."

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 313-E
19 June 1989
Original: French

COMMITTEE 3

SUMMARY RECORD
OF THE
SECOND MEETING OF COMMITTEE 3
(BUDGET CONTROL)

Wednesday, 14 June 1989, at 1430 hrs

Chairman: Mr. M.K. RAO (India)

Subjects discussed:

Documents

- | | | |
|----|---|------------|
| 1. | Summary record of the first meeting of Committee 3 | 165 |
| 2. | Plenipotentiary Conference Budget
(supplementary document) | 75 (Add.1) |
| 3. | Position of the Conference accounts | 263 |

1. Summary record of the first meeting of Committee 3 (Document 165)

1.1 The Chairman said that any delegates who wished to modify the summary record of the first meeting of Committee 3 should send their amendments in writing to the Secretariat.

The summary record of the first meeting of Committee 3 was approved.

2. Plenipotentiary Conference Budget (supplementary document) (Document 75(Add.1))

2.1 The Chairman drew the attention of delegates to the annexes to the document and asked the Secretary of Committee 4 to make any comments he considered necessary.

2.2 The Secretary of the Committee said that, when Document 75 had been considered, it had been pointed out that the Conference Budget had been based on the organization of the Conference in Geneva and that the extra cost was covered by the Agreement between the French Administration and the Secretary-General. During discussion of the document, the delegate of France pointed out that the budget only covered direct costs and asked the Secretariat to draw up a revised document. The Secretariat had therefore prepared Document 75(Add.1) which, in Annex 1, showed the direct costs of the Plenipotentiary Conference and, in Annexes 2 and 3, the functional version of the budget and the cost analysis. As delegates could see, the total cost for the common services was estimated at 3,114,000 francs, the total cost of meetings at 5,714,000 francs and the total direct costs at 2,600,000 francs.

The budget of the Plenipotentiary Conference (Addendum 1 to Document 75) was approved.

3. Position of the Conference accounts (Document 263)

3.1 The Chairman drew the attention of delegates to the table on page 2 of Document 263 and particularly to the figures at the bottom of the page, which showed that the estimated expenses charged to the host Administration had increased from about 1.6 million francs to about 1.8 million francs.

He asked the Secretary of Committee 4 to give some background information.

3.2 The Secretary of the Committee said that column 3 showed the Conference budget as contained in Document 75; that budget had been adjusted to take account of changes in the conditions of service in the United Nations and in the rate of exchange between the United States dollar and the Swiss franc. The adjusted budget had thus been increased by 230,000 francs and now stood at 2,839,200 francs. Columns 5, 6, 7 and 8 showed actual, committed and estimated expenditure as at 12 June 1989. Comparison of column 10 with column 9 showed that there was a very small margin, estimated at present at 9,000 francs; it was to be hoped that the direct costs of the Conference would remain within those limits.

As regards column 9, the expenditure charged to the host Administration was slightly higher than had been foreseen, for two reasons: the Agreement, as concluded and as mentioned in Document 76, page 12, had been based on a rate of exchange of 1.59 Swiss francs whereas it was 1.75 Swiss francs on 12 June 1989. The difference for interpreters' salaries as between Nice and Geneva was thus lower than estimated so that the credit in favour of the host Administration was slightly lower.

The document production costs (item 11 - 10600, Document production) were somewhat higher than the Geneva estimates, in accordance with the Agreement and the texts governing the holding of conferences in Geneva; the resulting slight difference was charged to the host Administration.

As for Subhead IV (Travel outside Geneva) the estimates were certainly too high and the real costs would be lower so that the costs charged to the host Administration would be close to those given in Document 76.

3.3 The delegate of the United Kingdom said that the difference between column 10 and column 4 was very slight and that there would be more and more night meetings towards the end of the Conference, which would mean additional expenditure, particularly for the translation services and the Secretariat. Had that point been taken into account when the document had been drawn up? If not, she would propose to the Committee that the number of night meetings be reduced.

3.4 The Chairman replied that appropriate provision had been made for the fifth and sixth weeks.

3.5 The Secretary of Committee 4 confirmed the Chairman's statement. The extra costs of night meetings were due to the use of interpreters and the Secretariat. There was a sufficient number of interpreters and Secretariat staff worked on a shift basis so that it would not be necessary to hire extra staff; there would perhaps be overtime which would not be included in the Conference budget but would be charged to section 17 of the ordinary budget; that question did not concern the Budget Control Committee.

3.6. There being no comments, the Chairman considered that the document on the position of the Conference accounts (Document 263) had been approved.

The meeting rose at 1450 hours.

The Secretary:

R. PRELAZ

The Chairman:

MR. M.K. RAO

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 314-E

16 June 1989

Original: English

PLENARY MEETING

NOTE BY THE CHAIRMAN OF COMMITTEE 6
TO THE CHAIRMAN OF THE CONFERENCE

The Chairman of Committee 6 wishes to draw the attention of the Chairman of the Conference to two proposals which were originally allocated, in Document DT/5(Rev.2), to Committee 6 and which should, in fact, be considered in a Plenary meeting. The proposals in question are QAT/13/6 and SYR/15/6 which are hereby transmitted to you for any action you may deem necessary.

H. VIGNON
Chairman of Committee 6

**PLENIPOTENTIARY
CONFERENCE**Document 315-E

16 June 1989

NICE, 1989

B.6

PLENARY MEETINGSIXTH SERIES OF TEXTS SUBMITTED BY THE
EDITORIAL COMMITTEE TO THE PLENARY MEETINGThe following texts are submitted to the Plenary Meeting for first reading:

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM.5	305	Resolution No. COM5/4 Resolution No. COM5/5

M. THUE
Chairman of Committee 10Annex: 3 pages

RESOLUTION No. COM5/4

Remuneration and Representation Allowances of Elected Officials

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

having regard to

Resolution No. 55 of the Plenipotentiary Conference (Nairobi, 1982),

recognizing

that the salaries of elected officials should be set at an adequate level above those paid to appointed staff in the United Nations common system,

resolves

1. that, subject to the measures which could be proposed by the Administrative Council to the Members of the Union in accordance with the instructions hereunder, the Secretary-General, the Deputy Secretary-General, the Directors of the International Consultative Committees and the members of the International Frequency Registration Board shall be paid with effect from [] salaries fixed in relation to the maximum salary paid to appointed staff on the basis of the following percentages:

Secretary-General	134%
Deputy Secretary-General, Directors of the Consultative Committees	123%
IFRB members	113%

2. that the above percentages shall apply to the net base salary at the dependency rate; all other elements of the remuneration shall be derived therefrom by applying the methodology in force in the United Nations common system, provided that an appropriate percentage is applied to each individual element of the remuneration;

instructs the Administrative Council

1. if a relevant adjustment is made in common system salary scales, to approve any modification of the salaries of elected officials which might result from the application of the above-mentioned percentages;

2. in the event of overriding factors appearing to the Administrative Council to justify a change in the above-mentioned percentages, to propose to the Members of the Union for approval by a majority, revised percentages with appropriate justifications;

further resolves

that costs incurred for representation will be reimbursed against vouchers within the following limits:

	<u>Swiss francs per year</u>
Secretary-General	24,000
Deputy Secretary-General, Directors of the International Consultative Committees	12,000
IFRB (for the Board as a whole at the discretion of the Chairman)	12,000

RESOLUTION No. COM5/5

**Rehabilitation of the Provident Fund of the
ITU Staff Superannuation and Benevolent Funds**

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

considering

the situation of the Provident Fund shown in the balance sheet at
31 December 1988,

taking into account

that the support measures hitherto applied have been effective,

aware

that the Provident Fund continues to require support in the form of an annual
contribution,

instructs the Administrative Council

to monitor carefully in coming years the situation of the ITU Staff
Superannuation and Benevolent Funds, and in particular the Provident Fund, with a view
to taking any measures it considers appropriate;

resolves

to reduce the annual contribution from the ordinary budget to the Provident Fund
from 350,000 to 250,000 Swiss francs and to maintain that contribution until the Fund
is able to meet its obligations.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 316-E

20 June 1989

Original: English

COMMITTEE 9

SUMMARY RECORD

OF THE

EIGHTH MEETING OF COMMITTEE 9

(BASIC INSTRUMENT OF THE UNION)

Wednesday, 14 June 1989, at 1440 hrs

Chairman: Mr. H.H. SIBLESZ (Netherlands)

Subjects discussed:

1. Consideration of proposals (continued)
2. Possible introduction of new provisions into the Constitution

Documents

DT/12
+ Corr.1 + Add.1, DT/44,
Documents A and B,
GE-BIU 50(Rev.)

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1. Consideration of proposals (Documents DT/12 + Corr.1 + Add.1, DT/44, Documents A and B, GE-BIU 50(Rev.)) (continued)

Article 38 - Ratification (continued)

1.1 The Chairman invited the Committee to consider the draft text of No. 173, as contained in Document DT/44. It remained to decide whether to keep "simultaneously" and "in one single instrument" in the first sentence, or to move those requirements to the second sentence. There seemed to be differing views on whether or not the first sentence referred to the internal procedures of Member States leading up to and including consent to be bound by the Constitution and the Convention. If the first sentence applied to internal procedures, then the requirement that consent be expressed "simultaneously" and "in one single instrument" would be cumbersome and restrictive, and those terms had better be placed in the second sentence. If the first sentence, except for the phrase "in accordance with its constitutional rules", did not refer to internal procedures, and thus solely dealt with the expression, at the international level, of consent to be bound, then maintaining "simultaneously" and "in one single instrument" in the first sentence would establish the unitary approach. Under the Vienna Convention on the Law of Treaties, ratification, acceptance and approval constituted "the international act whereby a State establishes on the international plane its consent to be bound by a treaty". He therefore suggested that the first sentence be understood to refer to the expression of consent at the international level.

It was so agreed.

1.2 In reply to the delegate of Côte d'Ivoire, the Legal Adviser said that the French text of No. 173, as contained in Document DT/44-F, should be corrected by replacing "chacun" by "chaque".

1.3 The delegates of Australia, Cameroon, Japan, Mexico, Spain, Côte d'Ivoire and Nigeria supported the text as it stood in Document DT/44 but were willing, if it were the wish of the majority, to agree to the deletion of "simultaneously".

1.4 The delegates of the Islamic Republic of Iran and Paraguay were in favour of the text, but preferred "simultaneously" to be deleted.

1.5 The delegate of Nigeria also supported the text. If "simultaneously" were deleted, the text should be rearranged to read "... or approved in one single instrument by any signatory Member, in accordance with its constitutional rules." so as to establish clearly the link between the Constitution and the Convention.

1.6 The delegate of Colombia agreed that a link should be established between the Constitution and the Convention but said that would best be done by retaining "simultaneously" and deleting "in one single instrument". Although ratification, acceptance and approval all had the same effect, it might happen that, for constitutional reasons, a country might have to use one procedure for the Constitution and another for the Convention. It would then be impossible to meet the requirement for "one single instrument".

1.7 The delegate of Romania said that both phrases, "simultaneously" and "in one single instrument", could pose problems with respect to internal national procedures. He suggested that No. 173 be redrafted to read: "This Constitution and the Convention shall be ratified, accepted or approved by any signatory Member, in accordance with its constitutional rules. The ratification, acceptance or approval shall be notified in one single instrument which shall be deposited, in as short a time ...".

1.8 The Legal Adviser stated, in clarification, that the phrase "in one single instrument" referred to the "international act" whereby signatory Members transmitted to the depository their consent to be bound by the Constitution and the Convention. The depository would only accept those international acts that contained ratification, acceptance or approval of both the Constitution and the Convention. At the national level, the Constitution and the Convention could have been ratified, accepted or approved in different instruments and/or on different dates. The requirement of No. 173 was that the expression of consent be transmitted to the depository "simultaneously" and "in one single instrument".

1.9 The delegate of Kenya agreed with the Legal Adviser's interpretation and supported the text as it stood. "Simultaneously" should be retained as it underlined the unitary construction concept, whereas "in one single instrument" could if necessary be deleted as it was implied by the reference to "This instrument". He was ready to go along with the majority.

1.10 The Chairman suggested that the text of No. 173 be accepted as it stood in Document DT/44.

It was so agreed.

1.11 The Chairman invited the Committee to consider Nos. 174 and 175. He informed the Committee that the Delegation of Brazil had withdrawn proposal B/58/4 which was to have been taken up in connection with those provisions and noted that all the other relevant proposals were covered by earlier decisions of the Committee.

It was agreed that the texts of Nos. 174 and 175 should remain as drafted by the Group of Experts, with the following consequential amendments: "ratification" to be replaced by "ratification, acceptance or approval" and "signatory" to be replaced by "signatory Member", throughout.

1.12 The Legal Adviser confirmed that similar consequential amendments would be made throughout the text.

1.13 The Chairman invited the Committee to consider No. 176, noting that the proposals related to it were covered by earlier decisions of the Committee.

1.14 Following a doubt expressed by the delegate of Spain regarding the clarity of the expression "each instrument", various alternatives were suggested, including "the instrument", "any instrument", "an instrument" and use of the term "the instrument" in conjunction with amendment of No. 175 to read "... signatory Member which has not deposited its instrument ...".

It was agreed to leave that linguistic point to be solved by the Editorial Committee.

1.15 The Chairman invited the Committee to consider No. 176bis, noting that the Group of Experts had suggested its deletion. The Delegations of Solomon Islands, Bulgaria, Tanzania, Brazil and Nigeria had likewise proposed its deletion. The Delegation of Paraguay had, however, proposed a modification.

1.16 The delegate of Paraguay noted that his country's proposal was only relevant if it were decided to maintain the provision. He did not, however, oppose its deletion.

It was agreed to delete No. 176bis.

Article 38 was approved.

Article 39 - Accession

1.17 The Chairman suggested that Nos. 177 and 178 should be dealt with together and drew attention to proposal F/83/3 which had been supported.

1.18 The delegate of France said that his Delegation's proposal was designed to strengthen the logical link between Article 39 and Article 38 on ratification, acceptance or approval.

1.19 The Legal Adviser drew attention to the reference to the act of accession at the end of No. 178, and said that the word "act" should be replaced by "instrument" in the interest of terminological consistency. Moreover, there was a discrepancy between the English and French versions of No. 178, since the words "when it is received" in the fifth and sixth lines of the English text did not appear in the French. The delegate of Spain said that that discrepancy also applied to the Spanish text.

1.20 The delegate of Colombia, referring to No. 177, said that he agreed with the substance of the French proposal but considered that the words "Member or" at the beginning of the provision were superfluous.

1.21 The Legal Adviser explained that the Group of Experts had decided early in its deliberations that the term "Government of a country" used throughout the Nairobi Convention should be replaced by "Member" in Documents A and B, since the word "country" was not a legal term. In Article 39, the words "or State" had been added to take account of the categories mentioned in Nos. 4 and 5 of Article 1, namely, States which were not yet Members of the Union.

1.22 The delegate of the Philippines supported the French proposal and suggested that the alignment with Article 38 should be pursued further by including the notion of simultaneity of accession to the two instruments. The Legal Adviser said that that could be done by amending the sentence to read "Such accession shall be made simultaneously in one single instrument covering both this Constitution and the Convention". The delegate of Kenya considered that the concept of simultaneity was already covered by the present wording of No. 177. The Chairman noted that the concept was covered by the use of the words "à la fois" in the French version.

1.23 The delegate of Argentina, referring to the need for alignment with Article 38, pointed out that No. 178 contained no wording corresponding to that of No. 176 to indicate that, after the entry into force of the two instruments, the instrument of accession would become effective on the date of its deposit with the Secretary-General.

1.24 The Legal Adviser said that that point was very pertinent. In the absence of such a provision in No. 178, an accession to the Nice instruments could well become effective prior to their entry into force, which would not be desirable. A text corresponding to No. 176 should therefore be incorporated in No. 178.

1.25 The delegate of Romania, after agreeing that such an addition was necessary, observed that the opening phrase of No. 177, "A Member or State which is not a signatory of this Constitution and the Convention", was incorrect, and that the reference should be, on one hand, to a Member which was not a signatory of the two instruments, and on the other hand, to a State described in the first sentence of No. 5 of Article 1. The Legal Adviser suggested that that valid point might be covered by amending the opening phrase to read "A Member which is not a signatory of this Constitution and the Convention or any other State referred to in Article 1 of this Constitution".

1.26 The Chairman suggested that the text of Article 39 incorporating the amendments proposed during the debate should be circulated in writing for consideration at the next meeting of Committee 9.

It was so agreed.

2. Possible introduction of new provisions into the Constitution

2.1 The Chairman invited the Committee to consider the possibility of inserting in the Constitution provisions concerning the treatment of non-signatory Members of the basic instrument with respect to the loss of the right to vote. It was to be noted that the Nairobi Convention was silent in that respect, dealing only with the consequences of non-ratification.

2.2 The Legal Adviser said that, in accordance with the traditional treatment of the issue in the Nairobi and previous Conventions, the question of the loss of the right to vote, including that of the two-year period of grace, was dealt with only in the provisions on ratification - Article 45 of the Nairobi Convention and Article 38 of the draft Constitution. A signatory of the Nice Constitution and Convention would thus enjoy the right to vote for two years after the entry into force of those instruments, whether or not it had ratified, accepted or approved them. In ITU practice, however, and without any specific provision to that effect in the basic instruments, the two-year period of grace did not apply to non-signatories, which were not entitled to vote during that period unless they had acceded to the instruments. That situation had prevailed without any opposition for several decades, and the Committee now had to decide whether to introduce specific provisions on the subject into the Constitution, in which case a text would have to be drafted, or whether to maintain the past practice of the Union.

2.3 The delegate of Argentina said that it would be interesting to study the question on the basis of a written text.

2.4 The delegate of Colombia considered that it was unnecessary to deal with the matter in the Constitution, since States which had neither signed the instrument nor acceded to it clearly did not have the right to vote and could therefore not be deprived of that right.

2.5 The delegate of the United States said that the issue was one of considerable complexity. The Legal Adviser's explanations of ITU practice in the matter caused him to wonder whether that practice had an adequate legal basis; he was particularly concerned by the fact that non-signatory Members, which had not consented to be bound by the basic instrument in question, could lose the right to vote. Indeed, an unfortunate consequence of the Union's successive adoption of basic instruments was that loss of the right to vote under, say, the Nairobi Convention was not provided for in the Malaga-Torremolinos Convention: whereas the loss of voting rights by Members which had signed the Nairobi Convention was at least governed by the provisions of that Convention, non-signatory Members were deprived of their rights under provisions which were not contained in the instrument by which they had consented to be bound, i.e., the Malaga-Torremolinos Convention. In view of the very serious legal problems involved in the practice of the Union, he did not believe that the Committee could deal with that complex issue in addition to its other work.

2.6 The delegate of Romania considered that the issue raised by the Chairman was relevant and should be debated on the basis of a written text. In his opinion, all the rules in the matter, including the period of following the entry into force of the basic instrument, should be applicable equally to signatory and non-signatory Members of the Union.

2.7 The delegate of the United Kingdom said he had always found it anomalous that the ITU Conventions provided for the loss of voting rights by Members which were not parties to those instruments, thus imposing legal sanctions under Conventions by which the Members concerned were not bound. The situation could be justified only by the fact that, although a new Convention had been adopted at each Plenipotentiary Conference, what actually prevailed in the ITU was, so to speak, an unwritten Constitution based on practice, under which Members had to comply with a set of rules, including the one concerning loss of the right to vote by Members which did not become parties to the new instrument within a specified time. Since the provision appeared in the earlier Conventions, the sanction could be imposed on all Members, which of course had become parties to at least one of the previous instruments. It might therefore be unwise to translate into specific provisions a past practice which, although anomalous, had served the Union well, since such a course would run the risk of creating new sanctions not appearing in earlier instruments.

2.8 The delegate of Brazil said that, when the issue had been raised at earlier Plenipotentiary Conferences, notably in Buenos Aires in 1952 and in Montreux in 1965, it had always been agreed that the insertion of specific provisions on the matter in the basic instrument would lead to serious difficulties of interpretation. The Committee had quite enough complex problems to consider without raising new ones.

2.9 The delegate of Kenya said that his Delegation too would have preferred not to open the issue, if it were not for the fact that the Conference was in the process of transition from Conventions renewed at every Plenipotentiary Conference to a stable basic instrument. It would therefore be desirable to discuss the issue on the basis of a written text. Moreover, he could not agree with the delegates of the United States and the United Kingdom that ITU practice in the matter was legally unsound: the participation of a State in a conference or meeting convened under a given instrument, even one that it had not signed, carried the assumption of its consent to abide by the provisions of that instrument.

2.10 The delegate of Côte d'Ivoire pointed out that, since under No. 177 a non-signatory Member or a State described in Article 1 could accede to the basic instrument at any time and would then enjoy all the advantages carried by such accession, including the right to vote, the a contrario interpretation of that provision was that a non-signatory Member or other State which did not accede to the instrument did not have the right to vote. Accordingly, the suggested provisions would entail, not new sanctions, but a confirmation of the de facto situation, and he hoped that a written text would be submitted for the Committees consideration.

2.11 The delegate of Mexico observed that custom was the most important source of international law. Customs could of course be good or bad, and good customs and practices usually evolved into law. She was therefore in favour of maintaining ITU practice in the matter.

2.12 The Chairman noted that a majority of the speakers in the debate doubted the wisdom of pursuing consideration of the question and were in favour of allowing the current practice to continue and develop.

It was agreed not to continue the discussion.

The meeting rose at 1740 hours.

The Secretary:

A. NOLL

The Chairman:

H.H. SIBLESZ

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 317-E
16 June 1989
Original: English

COMMITTEE 2

Third Report by Working Group 2-A to Committee 2

The Working Group of Committee 2 (Credentials), at its third meeting on 16 June 1989, examined the credentials of the following delegations :

(In French alphabetical order)

Albania (Socialist People's Republic of)
Bahrain (State of)
Bangladesh (People's Republic of)
Cape Verde (Republic of)
Costa Rica
United States of America
France
Iran (Islamic Republic of)
Mexico
Uganda (Republic of)
Paraguay (Republic of)
Rwandese Republic
Yemen (People's Democratic Republic of)

These credentials are all in order.

J. SZEKELY
Chairman of Working Group 2-A

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to
Document 318(Rev.1)-E
28 June 1989
Original: English

SUMMARY RECORD

OF THE

EIGHTEENTH MEETING OF COMMITTEE 7

1. Amend paragraph 2.18 as follows, to read:

"2.18 The delegate of the Philippines said that in any study for improvement of the working methods of the CCIs consideration should be given to the possibility of using computer aids to accelerate the decision process, shorten the study period and reduce the support required from the Secretariat. Thought should also be given to using such aids and communication networks to improve publication and dissemination of the results of standardization studies. Workshops and seminars should be considered as additional means of getting such information to developing countries. The Conference should be able to arrive at a consensus as to the composition of the Group to carry out the study, which should take the form of an in-depth analysis of the fundamental structures and working methods of all the permanent organs and new entities of the Union. He thought the Group should be able to complete its work in two years. Too long a time frame might render the results of the study obsolete in a rapidly changing telecommunication environment. It would be prudent if the results of the study should be submitted for decision to a Plenipotentiary Conference; if need be, an Extrarodinary Plenipotentiary Conference. Copies of the report containing the results of the study should be made available to all administrations in sufficient time to allow for thorough evaluation and ensure sound decision making.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 318(Rev.1)-E

24 June 1989

Original: English

COMMITTEE 7

SUMMARY RECORD

OF THE

EIGHTEENTH MEETING OF COMMITTEE 7

(STRUCTURE OF THE UNION)

Friday, 16 June 1989, at 0935 hrs and at 2015 hrs

Chairman: Mr. A. VARGAS ARAYA (Costa Rica)

Subjects discussed:

Documents

- | | | |
|----|---|--|
| 1. | Establishment of a Drafting Group on the methods of work of the CCIs - Articles 16-18 and 20-24 of the Convention, as well as related Resolutions and Recommendations | DL/13 and Corr.1
DT/16 and Corr.1,
161 |
| 2. | Study to review structure, working methods, etc. of the CCIs | DT/16 and Corr.1
DL/13 and Corr.1
61, 55 |
| 3. | Summary records | |

1. Establishment of a Drafting Group on the methods of work of the CCIS Articles 16-18 and 20-24 of the Convention, as well as related Resolutions and Recommendations
(Documents DL/13 and Corr.1, DT/16 and Corr.1 and 161)

1.1 The Chairman suggested that a small Drafting Group be set up to deal specifically with the methods of work of the CCIs as in Articles 16-18 and 20-24 of the Convention and associated Resolutions and Recommendations, using the relevant parts of Documents DL/13 & Corr.1 and DT/16 & Corr.1, as well as any additional proposals from delegations. Document 161 on participation in meetings of the CCIs, which had been allocated to Committee 4, should also be taken into account. He invited the Delegation of Canada to coordinate and chair the meeting and delegations desiring to participate in the Drafting Group to inform the Secretariat.

It was so agreed.

2. Study to review structure, working methods, etc. of the CCIs
(Documents DT/16 and Corr.1, DL/13 and Corr.1, 61, 55)

2.1 The delegate of Saudi Arabia said that proposal ARS/61/1 was aimed at strengthening the ITU's role in the field of standardization for which it should be the only forum.

2.2 The delegate of Indonesia, introducing Document 55, stressed the importance of global standardization and that the current CCIs should be able to respond rapidly to the challenges of the present environment. Many countries were suffering great losses because standards were not global, with many developing countries dependent on a variety of sources from different industrialized countries; all those standards caused confusion in determining national standards. He was in favour of a unified management of the CCIs and supported the "project" approach described by the Director of the CCITT, whereby a Study Group could be set up rapidly in response to demand for a certain standard, thus making the CCIs more cost-effective. There was concern in the developing countries at the inability of the present structure to face the future since technology was moving faster than it had some decades before. The intention of the proposal was to decide, as soon as possible and perhaps even at the current Plenipotentiary Conference, on the main elements of restructuring and to have them implemented and inserted in the Constitution or Convention in such a way as to allow the Directors of the CCIs to develop actions concerning the composition of the Study Groups, etc., in their next Plenary Assemblies.

2.3 The delegate of Australia said that the proposals in Document 69 sought to build on the results achieved at the CCITT Plenary Assembly in Melbourne where the cooperative spirit had been unanimous and where measures had been introduced to speed up the work of the CCITT and equip it to face future challenges.

2.4 The delegate of Spain said the arguments in Document 71 were based on the results of the Melbourne meeting. He recalled that under the present Convention, only the Plenary Assemblies of the CCIs had the authority to approve Recommendations in their final form and that during the period between Plenary Assemblies no Recommendations could be approved unless in the accelerated manner, constituting only provisional approval. The IXth Plenary Assembly had adopted a Resolution addressed to the Plenipotentiary Conference to the effect that the situation needed to be changed and that both CCIs should have the authority of establishing the appropriate procedure for approval of urgent Recommendations when required; to that end it was proposed that the Plenary Assembly take note of the Recommendations approved under the accelerated procedure, that the approval procedure itself be accelerated and that approval could be given in response to a consultation by correspondence. Such measures would expedite the work on approving Recommendations in the period between Plenary Assemblies.

2.5 The delegate of Canada said that proposal CAN/72/32 reflected a proposed change in the Convention to take into account the improved approval procedure adopted in Melbourne and that CAN/72/33 was a consequential modification to No. 227. Proposal CAN/72/36 contained a Resolution for the review of the CCIR and the CCITT, including their working methods, structure and interrelationships. A detailed study of that kind could be part of a broader review, which had to be undertaken objectively. Many outputs could be implemented by the Plenary Assemblies and the Administrative Council as part of an overall review without modifying the Constitution or Convention but any major structural changes would need decisions by a Plenipotentiary Conference.

2.6 The delegate of Ethiopia, referring to Document 81, said that the amalgamation of the CCIs headed by one Director could be undertaken easily and would enhance efficiency since the four main functions, namely, coordinating the work of the Study Groups, arranging for the publication of documents, reporting to the Plenary Assembly and organizing the work of the CCI, were the same in each Consultative Committee. Funds would thus be made available for redirecting to the other organs. The proposed establishment of the CCIT, combining the managerial functions of the CCIs, would necessitate a review of Article 5 of the Constitution. Provisions on the new organ for development were included to give emphasis to the ITU's function concerning development, details of which were contained in Document 67.

2.7 The delegate of the United Kingdom welcomed the setting up of the Drafting Group and said that proposals G/82/7 and G/82/8 could be discussed there as they concerned the acceleration of working methods in the CCIs. Proposal G/82/9, however, was before the full Committee as it concerned the pre-eminence of the CCIs in world-wide standardization. Since discussions had tended to dwell on the structure of the Union as a whole, the proposal by the United Kingdom could also be taken in that context, bearing in mind the need to look at the links between the CCIs and the General Secretariat. He concurred with the delegate of Canada in that a review of the work of the CCIs had to be objective and that it could be concluded that changes other than structural ones could be implemented by the Plenary Assemblies or the Administrative Council and that any decisions on working methods were to be taken before those on structural changes. He would revert to the matter if new points were raised in the debate and concluded that the draft Resolution proposed by the United Kingdom could be taken into account when preparing a wider Resolution.

2.8 The delegate of Kenya, referring to proposal KEN/86/19, saw the necessity for the Conference to institute mechanisms for a management study to review the entire organization of the ITU with respect to optimum utilization of Headquarters' resources, the long-term future of the CCIs, streamlining and management in the Union's hierarchy, and to ensure financial, administrative and operational effectiveness.

2.9 The delegate of the Federal Republic of Germany, referring to Document 97, stated that the increase in the tasks of the Union had led to difficulty in their financing and that the time had come to take decisions on the financial and organizational measures necessary if the ITU was to perform its functions in the future. Thus, problems relating to financing, structure, personnel and working procedures should be considered as a whole since there would not be enough time in Nice, the draft Resolution on a high-level committee to review the structure of the Union, as in proposal D/97/1, could serve as a basis for work to be done in Committee 7. He also stressed that the decision on establishing the permanent organ for technical cooperation had to be taken at Nice.

2.10 The delegate of Greece, referring to Documents 98 and 110, said that the proposals in the documents were aimed at strengthening the ITU in the field of standardization and helping it make up lost ground. The Director of the CCITT had given two examples of the CCITT having to expedite its work to meet requirements, meaning that it had become a follower in the field. The improvements achieved in Melbourne had been favourable, but although good, the accelerated procedure for approving Recommendations was still not adequate. The period of time between the Plenary Assembly of one CCI and that of the other gave rise to additional delays, as had been mentioned by the delegate of Indonesia in an earlier intervention. Another concern was the rapid evolution towards the integration of satellite, mobile and other radio services into the land services, which had led to the belief that an eventual merger would improve the management of standardization. He did not object to a thorough study which would review the working methods of the two CCIs and propose appropriate measures for a more rapid elaboration of standards, examine thoroughly any areas of potential overlapping and propose methods for avoiding them, as well as studying how the CCIs were to respond to the requirements of the changing environment.

2.11 The delegate of Burkina Faso, referring to Document 194, associated himself with the remarks of the delegates of Saudi Arabia, Indonesia, Australia, Canada, Ethiopia, Kenya and Greece.

2.12 The delegate of the United States supported the concept of the accelerated procedures for recommendations and standards, such as those adopted in Melbourne. Proposals USA/96/23 on Article 17 and USA/96/24 on Article 21 allowed for such procedures to be implemented in both CCIs and constituted a first step towards looking at working methods and procedures. Overall review was appropriate to determine if some actions could be taken by the Administrative Council and others by the respective Plenary Assemblies. He subscribed to the views expressed by the delegates of Canada and the United Kingdom concerning in-depth study of the structure and the interrelationships of the CCIs in that such study should be objective and a part of the overall study on the structure of the Union. He concluded that the studies should determine the direction to be followed in respect of structures, working methods and procedures.

2.13 The Chairman said that he had noted interventions on the working methods of the CCIs which were intended for the Drafting Group and others on the structures of the CCIs which had evolved somewhat from the written proposals contained in the documents presented. He had also noted two areas of general agreement. A decision should not be taken at the Nice Conference on a possible merger of the CCIs or their Specialized Secretariats. But, terms of reference shall be defined for the progress of the work in the form of an in-depth study of the CCIs, their structure, working methods, options, etc., without prejudging the outcome of the study in any form, stressing the form of the study rather than the substance. To this end, he proposed that in their interventions, delegates should focus on five points:

- the type of study or review, including structural and organizational matters, financial points, etc.;
- the scope of the study or review, especially in view of the strong tendency towards a general review of all the organs of the Union and not just the CCIs;
- the time period for the study; who was to perform the study (and it was important to define "independent" in that context); and
- the mechanism for decision-taking on the basis of the study or review, since it seemed that such a study would refer not only to the CCIs but to the global structure of the Union.

2.14 The delegate of India, introducing Document 124 intended for discussion in the Drafting Group, said that the decisions of the CCITT Plenary Assembly in Melbourne contained elements that should be given legal status by the Plenipotentiary Conference. The latter should also direct the CCIR to adopt similar decisions. There was therefore a need for the guiding principles on the approval of such Recommendations to be incorporated into the Constitution and Convention. One principle was the need for approving Recommendations, when they were circulated, by an appropriate majority of Members and another, that those Recommendations were to be given the same status as those approved by a Plenary Assembly.

2.15 The Director of the CCITT said that the CCITT Plenary Assembly in Melbourne had adopted three Resolutions that might be of interest to the Drafting Group. Resolution 2 on accelerated procedures and Resolution 17 on the pre-eminence of the CCITT in world-wide telecommunications standardization were contained in Document 36. Resolution 18 was also relevant and could be made available if so desired.

2.16 The delegate of Senegal said the proposed study should be limited to the CCIs. Its terms of reference should be elaborated in Nice on the basis of the challenges and problems posed by the evolution of the telecommunications environment, and also bearing in mind the Kuwaiti proposal for a CCI for Space Telecommunications. The study was to be carried out by totally independent and autonomous external consultants who would be able to contact anyone they wished for research purposes. The deadline should not be less than three years. If the Administrative Council was mandated to consider the study and report to a Plenipotentiary Conference by 1994, a final decision could be taken then and the Convention and Constitution finally amended.

2.17 The delegate of Italy said the review had to aim for accelerating and improving studies on standardization if the ITU was to keep up with the rhythm being set by regional standardization organizations. The Group itself would decide on the dimensions of the study but it should be given some guidelines in particular since the two CCIs addressed two different types of participants, mainly industry in the CCITT and administrations and RPOAs in the CCIR. A fusion of the CCIs would therefore pose problems because the the same experts were not concerned and results could be expected to suffer. The final decision should be taken by the next Plenipotentiary Conference, the date of which had yet to be decided. In view of the nature of the problems in the CCIs the two Plenary Assemblies were to make suggestions and the Group of Experts, with experts from administrations active in the work of the CCIs, could consider them in the context of the overall structure of the Union.

2.18 The delegate of the Philippines said that in any study for improvement of the working methods of the CCIs consideration should be given to the possibility of using computer aids to accelerate the decision process, shorten the study period and reduce the support required from the Secretariat. Thought should also be given to using such aids and communication networks to improve publication and dissemination of the results of standardization studies. Workshops and seminars should be considered as additional means of getting such information to developing countries. The Conference should be able to arrive at a consensus as to the composition of the Group to carry out the study, which should take the form of an in-depth analysis of the fundamental structures and working methods of all the permanent organs and new entities of the Union. He thought the Group should be able to complete its work in two years. Too long a time frame might render the results of the study obsolete in a rapidly changing telecommunication environment. The results of the study should be submitted for decision to an Extraordinary Plenipotentiary Conference. Copies of the report containing the results of the study should be made available to all administrations in sufficient time to allow for thorough evaluation and ensure sound decision making.

2.19 The delegate of Chile said that the study should consider the structure of the Union as a whole. It should not be too precipitate since radical structural reform was not a matter to be undertaken lightly nor something to be carried out at each Plenipotentiary Conference. It would be sufficient to take decisions on the results of the study at the next ordinary Plenipotentiary Conference. He noted that the general consensus had been not to introduce immediate radical change but to improve procedures.

2.20 The delegate of Lesotho said that since the proposals presented had been so diverse it would be difficult to achieve consensus. In order to accelerate the Committee's work, he therefore proposed that a Working Group should be set up, consisting of the delegates that had made proposals and any others wishing to participate, in order to prepare one or more draft Resolutions on the subject as appropriate for consideration by the Committee.

2.21 The delegate of the USSR said that the study should seek ways and means of increasing the efficiency and effectiveness of the CCIs and accelerating their decision-making processes. It should also be extended to the other organs of the Union, including the proposed CCI for Space Telecommunications and the new organ for technical cooperation and development. However, it need not consider the IFRB in detail since that organ had already been the subject of a study by a Group of Experts. Sufficient time should be allowed for the task to be completed satisfactorily. That was difficult to determine in advance but should be not later than the next ordinary Plenipotentiary Conference. The Administrative Council and the Secretary-General should be asked to keep the progress of the study under review. The Group to carry out the study should consist of representatives of the administrations taking part in the work of the Study Groups, as they were those most closely involved and would also be consumers of the final results. The Group should also take into account the decisions of the Plenary Assemblies of the CCIs. Since decisions on structural change could only be made at Plenipotentiary level, the results of the study should be considered by the next Plenipotentiary Conference.

2.22 The delegate of Costa Rica said that the present Conference should make no decision on restructuring the CCIs but leave that to an in-depth study which would review all structural, organizational and financial aspects in seeking to achieve greater effectiveness and efficiency in the work of the those organs. Since that would be a difficult and complex undertaking, the study should be restricted to the CCIs and be carried out by a Group of Experts on the lines of that set up to consider separation of the Constitution and Convention. That Group should be a multi-disciplinary one including a variety of public and private entities. The results of the studies should be submitted to the next Plenipotentiary for final decision. The study should be completed within as short a time as possible, although it was realized that consensus on the time-frame would be difficult.

2.23 The delegate of Mali, endorsing the proposal set out by the Federal Republic of Germany in Document 97 said that there emerged from the deliberations of the Committee a large measure of agreement in favour of establishing a committee to review structure and working methods. Such a committee should be made up of representatives of Member countries that should be chosen by the present Plenipotentiary Conference with due regard for the representation of the different regions. The Committee should complete its work in time for submission of its results to an extraordinary Plenipotentiary Conference to be convened in 1991 as proposed in Document 97, preparation of which might well be included in that Committee's terms of reference.

2.24 The delegate of India said he shared those views and endorsed many of the suggestions made in Document 97, including the need for a conference to be convened in 1991 to make decisions in the light of the results of the study. The present Plenipotentiary Conference should lay down clear guidelines for the study, which should be conducted under the overall supervision of the Secretary-General. Although he agreed that a high-level committee of experts could be constituted to review the results of the study in order to submit proposals to the conference, the actual study itself should be carried out by independent consultants in the interests of obtaining an objective analysis.

2.25 The delegate of Japan said that the study under consideration should refer to all structures of the Union, since the CCIs did not function independently of the other organs. The results of the study should be considered by the next ordinary Plenipotentiary Conference. The Group established to conduct the study should consist of representatives of administrations and work under the guidance of the Administrative Council. It was a fact of management science that unless the persons operating a system, in the present case the Members of the Union, were involved in reform efforts, the outcome of structural reorganization would not be successful. On the question of improving the working methods of the CCIs, he noted the success achieved by the recent CCITT Plenary Assembly in accelerating the standardization process and making it more flexible. An exchange of views was needed between the Administrative Council and the CCIs to continue improvement of the working process. Furthermore, in his view, the Constitution and the Convention should not spell out in detail the working procedures of the CCIs, otherwise it would be difficult to modify them in order to reflect the changing telecommunication environment in a timely manner. The Study Group should consider ways and means of giving the CCIs sufficient flexibility to change their working processes at their Plenary Assemblies.

2.26 The delegate of Tanzania endorsed the views expressed by the delegate of Mali in supporting Document 97. Draft Resolution D/97/1, proposed in that document pinpointed all the key elements relating to a structural study. That study should be carried out by a high-level committee with a full mandate from the present Plenipotentiary Conference, it should examine the overall structure of the Union and its results should be submitted for decision to a special conference within the timespan indicated in Document 97.

2.27 The delegate of Pakistan said he greatly appreciated the work already being done by the CCIs but felt that the changing technological environment and converging telecommunications techniques called for some change in their working methods in order to enable them to retain their pre-eminent position in standard setting. The proposed structural study should cover all organs of the Union and all levels of CCI activity, in particular ways and means of improving participation in their work by all Members, especially developing countries. The study should also consider ways of ensuring that the views of users predominated in the preparation of CCI Recommendations, means of accelerating the process of preparing Recommendations and an approach to documentation costs that would ensure access by all Members to CCI documentation. Work on the study should be completed some time between the present and the next Plenipotentiary Conference and should be conducted by outside consultants, perhaps in association with persons having a wide experience of the ITU.

2.28 The Chairman read out the list of 33 speakers remaining who wished to intervene on the subject and, with the assent of the meeting, ruled that the list be closed.

The meeting was suspended at 1235 hours and resumed at 2015 hours.

2.29 The Chairman informed that the delegates of Brunei Darussalam, Greece and Nigeria would be submitting their views in writing.

2.30 The delegate of Mexico said that the study should be a global detailed one, encompassing each of the organs of the Union, and analyse procedures, methods of work and structures. Its main purpose should be to provide a number of alternatives aimed at improving efficiency in the functions of the ITU. It should also include an analysis of the financial and operative repercussions of each alternative. It should be allowed a period of three years and be conducted by a Group of Experts representing administrations, working with officials from the permanent organs. If necessary advice could be sought from outside consultants, taking into account the views of the Administrative Council. The Group of Experts should report annually to the Administrative Council which would make recommendations, and the final result should be submitted to administrations well in advance of the Plenipotentiary Conference which would take the final decisions.

2.31 The delegate of Algeria supported the proposals made earlier in the day by the delegate of Mali. A conference held in 1991, as mentioned by the delegate of the Philippines and by the Federal Republic of Germany in its Document 97 should, as the Legal Adviser had already said, be a Plenipotentiary Conference. The Committee should consist of external consultants so that the study would be as objective as possible. In view of the possibility of that Committee concluding in favour of changes in the structure, changes in the Constitution would be required. The Nice Plenipotentiary Conference should therefore make provisions in the procedures enabling such changes to be made. Decisions would be taken by simple majority.

2.32 The delegate of Zambia said that the review should be objective and independent and without prejudice as to the results to be obtained. It should cover the structure of every organ in the Union and the relationship between them. It should be completed as quickly and as efficiently as possible and be carried out by independent consultants. There should be inputs from every organ of the Union and every administration. Decisions on it should be taken by a Plenipotentiary Conference as soon as possible within the provisions of the existing Convention.

2.33 The delegate of Australia said that the review should be directed toward optimizing outputs and effectiveness and reducing overlap and duplication. The Administrative Council should be given enough flexibility to be able to manage the process such a review would imply. While he was not opposed to a global review, the study should tackle the more important aspects first. It should concentrate on structure so that the CCIs, which were facing a challenge as the driving force of the ITU, should be helped as much as possible. The second part of the study could focus on the General Secretariat and the Technical Cooperation Bureau, where the interface could be examined to ensure optimum resource use. The time-frame should be left to the Council and would depend on the progress of the reviews. However the study should not be allowed to run on indefinitely but be brought forward as soon as practicable. Only Members could carry out the study as they were the only ones who knew the Union and understood the interrelationship between Members. Outside consultants could be brought in for views, provided that those views were sensible and capable of implementation. The mechanism for decision making would depend on the outcome of the study, which could not be prejudged. He did not object to a special Plenipotentiary Conference, but where no alteration was made to the basic Convention, the Council should be able to apply decisions immediately. The Union could not wait for years for a Plenipotentiary Conference. He fully supported the delegate of Japan's comments on the need to be flexible in approaching the working methods of the CCIs and in avoiding bureaucracy. Good measures had been taken in Melbourne and the membership should make sure that that progress was continued.

2.34 The delegate of Canada said that the study should go into structure, internal management, organizational and financial matters, personnel, working methods and coordination, including the working methods of the Coordination Committee. It should cover all organs of the Union and focus in particular on the interrelationship between

them. It should be completed by late 1992 or early 1993, since anything earlier would be far too hasty. It should preferably be carried out by senior managers from Members of the Union with experience in telecommunications and the ITU, and with experience in the management of large organizational units because the study would be a management study. Members selected should represent as wide a geographical distribution of the membership of the Union as possible. While there was a role for consultants to assist the Group, they should not carry out the entire study. The Group could supervise consultants hired for specific studies such as one on the dissemination of information. As far as the mechanisms for decision-making were concerned, the work should be given priority and the Council should oversee it. In that way interim reports could be submitted to the Council which could take action on matters not requiring a Plenipotentiary Conference. Similarly, certain matters could be implemented by the Plenary Assemblies. The report should be available for the 1993 session of the Administrative Council and the results together with the comments of the Council, distributed by the Secretary-General immediately afterwards. It was important to build ownership by the Members of the Union of the results of the study, and it would take time for administrations to study the report, discuss it amongst their own officials and private agencies, reach a consensus and then attend a Plenipotentiary Conference to decide on any changes. To assist in an understanding of the study, and to ensure wide ownership and credibility of its results, it might be necessary to have regional meetings in each region of the Union to explain and explore the results, to make sure that all Members fully understood them and to enable Members to put questions to those involved in the study.

2.35 The delegate of Brazil said that the study should be as broad as possible, covering all organs of the Union and going into all structural aspects, personnel and budgetary matters, coordination and in particular the future role of the Coordination Committee. A number of elements were involved in consideration of the time frame: the study was a complex one and could not be completed in less than three years, whether it was done by a Group of Experts alone or with the advice of outside consultants. In considering timing, account should also be taken of the fact that the study should be under the coordination of the Administrative Council, which could take and implement decisions within a given period of time, once the report had been fully studied and up to the point where decisions were required by a Plenipotentiary Conference. A provision was therefore necessary to modify the Constitution without the requirement of a two-thirds majority at the next Plenipotentiary Conference. If the Nice Conference should decide to set up a panel of experienced persons to advise the Council, which could also be advised by outside consultants, it should consist of representatives from all sectors interested in telecommunications: administrations, scientific and industrial organizations, user representatives and new service providers. The study should be conducted by outside consultants with the advice of the Administrative Council, and the Council and the Members must follow very closely and frequently everything that was done.

2.36 The delegate of Bulgaria endorsed the views expressed by the delegate of Mexico. The study should focus on a better distribution and more effective use of finances and put forward suggestions for more effective forms of cooperation. Particular attention should be given to improving the relationship between the CCIs with a view to coordinating their work, avoiding duplication and reducing the number and duration of meetings, as well as introducing technical facilities for discussing questions. The analysis should identify all bottle-necks in the work of the Union and take account of the views of administrations and ITU officials. The timetable could not be fixed, but the study should be approved and monitored by the Council. The work would be done by a panel of experts including consultants specialized in the organization of labour and its results should be considered and confirmed at the next Plenipotentiary Conference, which should not be an extraordinary Plenipotentiary Conference.

2.37 The delegate of the Islamic Republic of Iran said that the study should be a broad and comprehensive one covering the structure and working methods of the Union and the permanent organs. It should be conducted by a group of representatives from administrations, assisted by outside consultants. The Legal Adviser had made it clear that only a Plenipotentiary Conference could act on any decisions or results of the study. Document 97 submitted by the Federal Republic of Germany indicated an appropriate time element. The Iranian Delegation wished to express its appreciation of that document and fully to support the position taken by the delegate of Mali.

2.38 The delegate of Lebanon fully supported those speakers who had urged that the study should be based on Document 97. The Chairman should therefore set up a Working Group forthwith, chaired by the Federal Republic of Germany, to prepare a draft Resolution on the basis of Document 97 and in the light of comments made by the Committee. He also proposed that the new Administrative Council, to be elected by the Nice Plenipotentiary Conference, should suggest the convening of an extraordinary Council Session in October 1989 to consider the implementation of the Resolution which would be approved by Committee 7 and subsequently adopted by the Plenary Meeting. By not waiting for the June session of the Administrative Council, a year would be saved and thus ensure that an extraordinary Plenipotentiary Conference could be held at the beginning of 1991 to settle the problems once and for all.

2.39 The delegate of Portugal said that the study should be a global one involving the whole organization, focussing on working methods and financial aspects and including the new organ for development. It should take account of the existing interrelationships between the different organs of the Union and the aptness of the Union's structure for the evolution of the telecommunications environment, particularly its technological aspects. The structure of the Union should also be examined from the point of view of rationalization, the solution of financial problems and the release of funds for development activities. The results of the study should be discussed at an extraordinary conference to be held by 1991. It should therefore be available before that date to enable that conference to be properly prepared. Ideally there should be an external input and internal assessment, and one solution might be a task force or committee representing all the regions. In its work, the committee could request the services of the ITU, of its Members and of outside consultants. There should therefore be strong, top-level effective direction in an independent framework, supported by an outside consultancy. The present conference should determine the criteria for the composition of that top level committee on a fair regional basis.

2.40 The delegate of Burkina Faso said that the study should take account of the overall structure of the ITU including the new permanent organ for technical cooperation. The Federal Republic of Germany's suggestion that the study should take a maximum of two years was a good one. The study would therefore have to be completed one and a half years after the closing of the Nice Plenipotentiary Conference to allow proper preparation by administrations. The Group responsible for the study should be a joint one because those from the inside would be familiar with the business and could act as a uniting force. Although the ITU was one of the specialized agencies that worked best, an outside view with new ideas, which could be relied on to explore any possible changes in-depth would be invaluable. The Legal Adviser had been very clear in his explanation that the necessary legal steps could only be carried out by a Plenipotentiary Conference.

2.41 The delegate of Indonesia said that the study should be completed no later than 1991 when an extraordinary Plenipotentiary Conference should be held. The study should embrace the entire organization of the Union, and included the financial impact of any proposed changes. He supported the proposal by the delegate of Mali that outside consultants should be used, supervised by the Administrative Council and a high level team of Experts, which should be the mandatories of the Nice Plenipotentiary Conference. The report should be submitted to the next Plenipotentiary Conference, to be held no later than 1991.

2.42 The delegate of France said that the study should be an overall one dealing with all the organs of the Union, its entire structure and function, the staff and the working methods with a view to improving its efficiency and bringing it into line with its objectives. It must be a very thorough and objective study, of which outside consultants were not the best guarantee, largely because they were not in a position to take decisions. The study should therefore be carried out by a group of senior officials of the Union, possibly supported by outside consultants, with the Administrative Council following the study very closely and acting as trustees. The study should not be done in haste; and the results could be prepared in two or even three years. The Administrative Council would then forward the results to administrations which would need a year to consider them. After some four years, therefore, the results could either be discussed by an extraordinary Plenipotentiary Conference, or in five years by the next regular Plenipotentiary Conference.

2.43 The delegate of the United Kingdom supported the views expressed by the delegates of Japan and Canada. With regard to the time element, although the document produced by the Federal Republic of Germany had much to commend it, it referred to the possibility of a conference in 1991. That suggestion was over-optimistic, particularly since the discussions suggested that one of the key problems at the Nice Plenipotentiary Conference was that the question of structural change, a major question for the Union, had been inadequately prepared before the Conference. The ideas behind it had not had time to mature, and such ideas needed careful study and time to mature both within and between administrations. Many of the recommendations which might arise from the review might be capable of implementation by the Administrative Council or the CCI Plenary Assemblies. A further important argument against an extraordinary Plenipotentiary Conference was the cost that would be associated with it. In his view the review should be set up without delay, its report should be considered in the first instance by the Administrative Council and circulated to all administrations. The Council should implement changes in the working methods etc. within its prerogative, as should the CCIs. If the review indicated that any changes in structure were justified, they should be dealt with by the next Plenipotentiary Conference, which, according to current expectations, would be held in 1994.

2.44 The delegate of Ethiopia fully supported the views of the delegates of Mali, Tanzania and the Islamic Republic of Iran and those in favour of an overall study based on the suggestions put forward by the Federal Republic of Germany in Document 97. As far as the timing was concerned, a two year limit was the most appropriate but in view of the time needed to obtain views from administrations, it could run to three years. A high-level Group of Experts should supervise and guide the study which would be carried out by a consultancy firm or Group of Experts selected from Member countries. It should be reviewed by the Administrative Council, after which an extraordinary Plenipotentiary Conference would consider the validity of the study and decide on the outcome.

2.45 The delegate of Kuwait supported the statements made by the delegates of Mali and Algeria concerning the constitution of the Group of Experts to study the structure of the Union. The results of the study should be submitted before 1991.

2.46 The delegate of Colombia supported proposals put forward for a review of the overall structure of the Union, its methods of work and each of its organs. Indeed the necessary elements for the study were contained in Document 97 by the Federal Republic of Germany. The study should be aimed at strengthening the structure and universality of the Union and be carried out by a committee of high-level officials from administrations established by the Nice Plenipotentiary Conference. The results of the study would go through the Administrative Council to an extraordinary Plenipotentiary Conference, which should be held in two years time. As the delegate of the Philippines had stated, anything over two years for the preparation and analysis of results could make the results obsolete.

2.47 The delegate of Papua New Guinea said that the study should be an overall review of the Union including the CCIs. It should be conducted by a group of administrations with present or past ITU staff as witnesses and the views of administrations being given the most serious consideration. There should be full consideration of the financial and staffing implications of any changes suggested in the study, and those should be clearly detailed for consideration by the Plenipotentiary Conference. The role of the Coordination Committee needed the most careful examination to ensure its effectiveness. The aims of the study should be to make the various organs effective and efficient and to streamline their interrelationships. Any decisions taken by the Nice Plenipotentiary Conference should also be reviewed, particularly with regard to their financial and staffing implications. The review should be carried out in the foreseeable future, with a report submitted in the first instance to the Administrative Council and then to a Plenipotentiary Conference in not less than three to four years. The terms of reference should promote objectivity and not point in any particular direction, but they should give freedom to produce the best proposals for consideration by the Plenipotentiary Conference.

2.48 The delegate of the Netherlands said that the study should be approached in an open-minded way. All speakers had emphasized the importance of streamlining and economizing the work of the Union. The study should therefore be an overall one, include the new organ for development and cover working methods, efficiency and the consequences of any decisions which might be taken on the financing, staff and work of the Union. Out of this study changes in the fundamental existing structure of the Union could emerge if those changes would clearly prove to contribute to the efficiency of the Union and improve, in general, the functioning of the Union. Many previous speakers had said that the study should be carried out as quickly as possible, but as that expression had acquired a certain significance at the present Conference and more time would be needed for a professional in-depth study, France's view that a period of about four years before decisions could be taken by the relevant conference was appropriate. The study would be carried out by a group of representatives of administrations, under the guidance of the Administrative Council and assisted by a group of outside consultants, if necessary. It would be appropriate for the Administrative Council to be permitted to implement any conclusions of the study which fell within its competence as soon as possible and in any case before the next Plenipotentiary Conference. Other items would be dealt with by the next regular Plenipotentiary Conference.

2.49 The delegate of Cameroon said that only a comprehensive and exhaustive study of the structure of the Union in all its dimensions and facets was conceivable. The proposals made by the Federal Republic of Germany were good ones and to a great extent covered the five points identified by the Chairman. He also supported the views of Mali and the Philippines. For reasons of objectivity, the study should be carried out by an independent body assisted by experts from Member countries. It should be completed in about two years and be communicated to Members. Any conclusions requiring action within the competence of the Council should be implemented by the Council for reasons of economy. The Working Group proposed by one delegation deserved further consideration. It should be chaired by the Federal Republic of Germany and determine the terms of reference of the special group.

2.50 The delegate of Saudi Arabia said that the study should take into account the role of all organs of the Union and consider financial questions. It should be conducted quickly and be concluded before the next Plenipotentiary Conference. It should be made by a high-level group, having regard to geographical distribution, with competent outside advisers. The Saudi Arabian Administration had already made proposals to strengthen the activities and role of the Union, which should be taken into account, as should the rapid changes in telecommunications. Document 97 by the Federal Republic of Germany could form an important basis for the work.

2.51 The delegate of Guinea said that while he supported the proposals put forward in Document 97 by the Federal Republic of Germany, the Group of Experts which would be set up to study the structure of the Union should base its work on the results of all the Committees at the Nice Plenipotentiary Conference.

2.52 The delegate of Peru supported the proposals by the Federal Republic of Germany in Document 97 and the views of Mali. A two-year period to carry out the study followed by an extraordinary conference were reasonable. There appeared to be some consensus on the subject of the study and who should carry it out. It should, in any event, include the Technical Cooperation Bureau. With regard to the posts of Directors of the CCIs, shortly to be elected, and of a possible new CCI for Space Telecommunications, an extraordinary Plenipotentiary Conference should elect the new directors which would be considered as a first election. Their term of office should continue until 1994 when there should be no restriction on their eligibility for the next period.

2.53 The delegate of the Federal Republic of Germany, referring to the Chairman's five points, said that the terms of reference for the study should be established at the present Plenipotentiary Conference and should provide guidance for all other organs subsequently concerned with carrying out the study. It had to be borne in mind that the Conference had taken a decision in principle on the creation of a permanent organ for technical cooperation. The study was to be in-depth and comprehensive and concern all organs since there was interaction between the CCIs and the General Secretariat and also between the new organ or the Technical Cooperation Department and the CCIs. Financial aspects had to be taken into account and consultants could be costly. 1991 had been proposed as a deadline, based on experience at the national level. Discussions had shown however that more flexibility was needed at the international level and that should be included in a Resolution. In any case, no time was to be lost. The Secretary-General and the General Secretariat had to start making arrangements. He suggested that an extraordinary session of the Administrative Council should be convened in the following autumn to initiate the work. As in accordance with No. 238 of the Convention the Council was to meet only once a year, however, the necessary arrangements would have to be made here in Nice. The Administrative Council was to be responsible for the study and a Panel of high-level experts could be foreseen, together with some consultancy for working methods. Outside consultancy alone however, was not desirable. The Administrative Council should also ensure that the Members of the Group inform the Members of the Union twice a year, thus providing feedback. Certain results would not need decisions by either an ordinary or extraordinary Plenipotentiary Conference, and during the course of the work certain decisions could be implemented either by the Administrative Council or the Plenary Assemblies of the CCIs.

The CCITT had already made changes to its working methods at its Plenary Assembly in Melbourne and the CCIR would be holding a Plenary Assembly in 1990. Since a certain amount of flexibility was desirable, the Administrative Council would have to decide on how to proceed on the basis of the results achieved.

2.54 The delegate of the United States said that the studies should look at all aspects of the structure, organization, financial dimensions, methods and procedures. There should be an in-depth study of all the organs of the Union, including the newly formed organ for technical cooperation. That was important due to the differences in the distribution of resources, personnel, etc., and there were many interactions between the various organs of the Union. Alternatives, specific pros and cons, operational dimensions and interactions had to be looked at and the way in which the new structure could serve the needs of the Union had to be examined. The study should take as long as necessary for it was important to assure that administrations had an opportunity to review and look at it in sufficient time to be able to provide feedback with regard to their views. The concept of regional meetings, as mentioned by the delegate of Canada, was a good way of achieving that goal. The study should be performed by experts from administrations of the Union who were familiar with

management techniques and had experience in all dimensions of the ITU. The Group could be assisted by outside experts but the study had to be managed by the membership. Major decisions on the structure had to be made by a Plenipotentiary Conference but other decisions could be made with regard to improved methods and procedures and could be directed by the Plenary Assemblies of the CCIs. The Administrative Council could also take many decisions within its competence. The 1994 Plenipotentiary Conference seemed to be the best deadline.

2.55 The delegate of Hungary said that an overall detailed study, open-ended without any prejudgment, was necessary. It should cover all the organs of the ITU with emphasis on interrelation and cooperation. The participants in the study should be high-level experts, assisted by outside experts on management and organizational science, and be selected on the basis of their world-wide renown. Past and present elected officials and members of the staff of the ITU were also to be included. The work should start and finish as soon as possible, reasonably speaking in three to four years, but he was not against a speedier solution. The final decision lay with the Plenipotentiary Conference, probably the next ordinary one. He added that Hungary like three-quarters of the membership, was not a Member of the Administrative Council and had no direct influence on its work and decisions. It was therefore difficult to accept the Administrative Council as a decision-taking body or even accept procedures giving the Council too strong a power to influence the work. The terms of reference should be defined at the current Conference without forcing the study team to follow any pre-determined ideas and leaving it free to list all the arguments for and against, when seeking an optimum solution.

2.56 The delegate of Morocco said that the study should cover all the organs in depth with respect to structures working methods, financing, etc. It should be undertaken by a Group of Experts from Member countries as only the Members were familiar with the interests of the Union and no outside consultants could provide a solution and take into account the aspirations of the Members. Each country should be free to send management, legal and financial experts and the Group could thus organize the study of all aspects under the terms of reference to be established by the Conference. It should have all the time necessary for reaching conclusions reflecting the consensus of all the Members. That could well be the period until the next Plenipotentiary Conference which should take decisions on the results. He did not reject the idea of an extraordinary Plenipotentiary Conference in 1991 but considered an ordinary Plenipotentiary Conference in five years' time to be appropriate. The results of such a study would commit the Union for many years and it was important for it not to be done in haste. The Administrative Council would have to see the work before transmitting it to the Members who would need enough time to study it to facilitate decision-taking at the Plenipotentiary Conference. However, if during the debates it proved necessary to convene such an extraordinary meeting his Delegation would revise its opinion in line with the principle that opinions could change in the supreme interests of the Union.

2.57 The delegate of New Zealand believed that the study should be an overall structural one on the best methods of carrying out the functions of the Union, focussing initially on the various organs, their interrelationships, potential changes in the organs and their relationships and, later in the study, considering the best internal working methods of the organs, whether they be new, existing or modified. The study should also focus on the aspects necessary to implement the functions of the Union including funding and staffing to ensure that the Union's structure contained the correct incentives. The study should consider all the organs of the Union, the General Secretariat, Technical Cooperation and the CCIs, with somewhat lesser emphasis on the IFRB because of its special mandate and functions. Regional representation should also be considered with a view to seeing whether it needed to be augmented. In addition, the efficiency, effectiveness and size of the Administrative Council itself should not be excluded. He believed it was unlikely that such a study could be carried out in less than two to three years. It was premature to judge the time before clarifying the

objectives, but the study should certainly start without delay. It should be carried out primarily by the Members, possibly with the participation of consultants in well-defined parts of the study to ensure balance and objectivity, and the Administrative Council should be authorized to engage such consultants accordingly. Members had to be given the opportunity to put their views forward. It should be submitted to the next Plenipotentiary Conference by the Administrative Council and if the Administrative Council was able to take measures and make changes immediately in the interests of efficiency, it should do so. An extraordinary Plenipotentiary Conference was possible, but in view of the fact that preparations had to be made and that Members had to be fully acquainted with the contents of the study and its implications the 1994 Plenipotentiary Conference was the more likely. He supported the comments of the delegate of the United Kingdom.

2.58 The delegate of Argentina said that the study should cover all the permanent organs of the Union, including the Coordination Committee and its hierarchy, and take into account their organization and related financial and staff matters. At least three years would be needed and the Administrative Council, as the recipient of partial reports by the Group of Experts on the study would be in a position to consult the Members as to the date of holding a conference to examine the results. The Members would have to receive the results of the Group's work six months beforehand. The experts would have to come from administrations and it would be possible for external consultants to participate but they would have to be nominated by the experts and financial resources foreseen for that possibility. If the Group of Experts deemed such participation necessary and duly informed the Administrative Council, the latter would accord the Group the necessary credits. Decisions emanating from the study would have to be taken by the Plenipotentiary Conference but decisions that could be implemented by the permanent organs before the Conference should be implemented, and similarly the Administrative Council should implement immediately any conclusions where possible.

2.59 The delegate of the Yemen Arab Republic said that a questionnaire should be sent to all Members containing technical, administrative and other pertinent questions, as well as scientific matters. Precise dates had to be given for the study and the work of the IFRB taken into account.

2.60 The Chairman, summarizing the discussion, said that a clear majority had emerged in favour of an in-depth, independent, global, overall review which would include structural aspects, methods of work, financial aspects and staff matters relating to the whole Union. The study should have no predetermined objectives except for the Union to be more effective and efficient in the accomplishment of all of its functions. A consensus had been noted in that the review was to be undertaken by a high-level committee together with experienced consultants. A clear majority was in favour of having decisions on matters regarding the structure adopted by a plenipotentiary conference. Methods of work, however, could be changed by a decision in the Administrative Council within its realm of competence. There had been wide support for the proposal by the Federal Republic of Germany in Document 97 with respect to the scope of the study, its timetable and approach, and the proposal had been supported for use as a basis for the work. Differences of opinion had been observed on several aspects: the supervision of the study, where reference had been made to a high-level Group of Experts, a Group mandated by the Plenipotentiary Conference or by the Administrative Council itself. There had also been differences of opinion with respect to the probable date to be set for the conference which would take a decision on the recommendations in the study: 22 delegations were in favour of a date of 2 years ahead, 5 in favour of 3 years and 12 in favour of five years.

He suggested the creation of Drafting Group 7 ad hoc 2 and invited 21 delegations having made specific proposals or contributions in the debate to participate. The Group was to prepare the terms of reference for the review on the structure and functioning of the Union using that day's debates as a basis, together

with proposals and opinions expressed earlier in Committee 7 and reflected in the respective summary records. The Delegation of the Federal Republic of Germany had agreed to coordinate Drafting Group 7 ad hoc 2 and the Delegations of Algeria, Saudi Arabia, Australia, Brazil, Burkina Faso, Canada, Colombia, Spain, United States, Ethiopia, Hungary, India, Indonesia, Kenya, Mali, Peru, United Kingdom, Tanzania, URSS and Zambia were invited to participate.

2.61 The delegate of Nigeria, referring to the Chairman's summary, requested the inclusion of regional conferences to address the issues to be dealt with by the Group of Experts. After such regional conferences administrations would be able to comment on the study which would later be submitted to a Plenipotentiary Conference.

2.62 The delegates of Japan and the Islamic Republic of Iran expressed their wish to participate in the Group, and the delegate of Zambia asked to be withdrawn.

2.63 The Chairman, after an exchange of views with the delegates of Chile, Congo, the Federal Republic of Germany, Lebanon, the Philippines, Mexico, China, the Netherlands, Paraguay and New Zealand on the merits of a smaller Drafting Group and whether it should consist of 5, 10 or 11, or 21 Members, said that the Group would be established at the following morning's meeting.

2.64 The delegate of Japan requested the Members of the ad hoc Group to take into account the special interest of his Delegation in the next Plenipotentiary Conference as the decisions taken would affect its planning.

3. Summary records

3.1 The delegate of the USSR, on a point of order, said that the Committee had already held 18 or 19 meetings but no summary records were yet available and he wondered when they would be published. In addition he asked why documents such as 310, which had not been discussed in Committee 7, had already been transmitted to other Committees for discussion.

3.2 The Chairman explained that Document 310 was a Note from the Chairman of Committee 7 to the Chairmen of Committees 4, 6, 8 and 9 as was agreed at a previous meeting. With respect to the summary records, some had been published but he would be able to provide more information at the following meeting.

The meeting rose at 2310 hours.

The Secretary:

A.M. RUTKOWSKI

The Chairman:

A. VARGAS ARAYA

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 318-E

21 June 1989

Original: English

COMMITTEE 7

SUMMARY RECORD

OF THE

EIGHTEENTH MEETING OF COMMITTEE 7

(STRUCTURE OF THE UNION)

Friday, 16 June 1989, at 0935 hrs and at 2015 hrs

Chairman: Mr. A. VARGAS ARAYA (Costa Rica)

Subjects discussed:

Documents

- | | | |
|----|---|--|
| 1. | Establishment of a Drafting Group on the methods of work of the CCIs - Articles 16-18 and 20-24 of the Convention, as well as related Resolutions and Recommendations | DL/13 and Corr.1
DT/16 and Corr.1,
161 |
| 2. | Study to review structure, working methods, etc. of the CCIs | DT/16 and Corr.1
DL/13 and Corr.1
61, 55 |
| 3. | Summary records | |

1. Establishment of a Drafting Group on the methods of work of the CCIS Articles 16-18 and 20-24 of the Convention, as well as related Resolutions and Recommendations
(Documents DL/13 and Corr.1, DT/16 and Corr.1 and 161)

1.1 The Chairman suggested that a small Drafting Group be set up to deal specifically with the methods of work of the CCIs as in Articles 16-18 and 20-24 of the Convention and associated Resolutions and Recommendations, using the relevant parts of Documents DL/13 & Corr.1 and DT/16 & Corr.1, as well as any additional proposals from delegations. Document 161 on participation in meetings of the CCIs, which had been allocated to Committee 4, should also be taken into account. He invited the Delegation of Canada to coordinate and chair the meeting and delegations desiring to participate in the Drafting Group to inform the Secretariat.

It was so agreed.

2. Study to review structure, working methods, etc. of the CCIs
(Documents DT/16 and Corr.1, DL/13 and Corr.1, 61, 55)

2.1 The delegate of Saudi Arabia said that proposal ARS/61/1 was aimed at strengthening the ITU's role in the field of standardization for which it should be the only forum.

2.2 The delegate of Indonesia, introducing Document 55, stressed the importance of global standardization and that the current CCIs should be able to respond rapidly to the challenges of the present environment. Many countries were suffering great losses because standards were not global, with many developing countries dependent on a variety of sources from different industrialized countries; all those standards caused confusion in determining national standards. He was in favour of a unified management of the CCIs and supported the "project" approach described by the Director of the CCITT, whereby a Study Group could be set up rapidly in response to demand for a certain standard, thus making the CCIs more cost-effective. There was concern in the developing countries at the inability of the present structure to face the future since technology was moving faster than it had some decades before. The intention of the proposal was to decide, as soon as possible and perhaps even at the current Plenipotentiary Conference, on the main elements of restructuring and to have them implemented and inserted in the Constitution or Convention in such a way as to allow the Directors of the CCIs to develop actions concerning the composition of the Study Groups, etc., in their next Plenary Assemblies.

2.3 The delegate of Australia said that the proposals in Document 69 sought to build on the results achieved at the CCITT Plenary Assembly in Melbourne where the cooperative spirit had been unanimous and where measures had been introduced to speed up the work of the CCITT and equip it to face future challenges.

2.4 The delegate of Spain said the arguments in Document 71 were based on the results of the Melbourne meeting. He recalled that under the present Convention, only the Plenary Assemblies of the CCIs had the authority to approve Recommendations in their final form and that during the period between Plenary Assemblies no Recommendations could be approved unless in the accelerated manner, constituting only provisional approval. The IXth Plenary Assembly had adopted a Resolution addressed to the Plenipotentiary Conference to the effect that the situation needed to be changed and that both CCIs should have the authority of establishing the appropriate procedure for approval of urgent Recommendations when required; to that end it was proposed that the Plenary Assembly take note of the Recommendations approved under the accelerated procedure, that the approval procedure itself be accelerated and that approval could be given in response to a consultation by correspondence. Such measures would expedite the work on approving Recommendations in the period between Plenary Assemblies.

2.5 The delegate of Canada said that proposal CAN/72/32 reflected a proposed change in the Convention to take into account the improved approval procedure adopted in Melbourne and that CAN/72/33 was a consequential modification to No. 227. Proposal CAN/72/36 contained a Resolution for the review of the CCIR and the CCITT, including their working methods, structure and interrelationships. A detailed study of that kind could be part of a broader review, which had to be undertaken objectively. Many outputs could be implemented by the Plenary Assemblies and the Administrative Council as part of an overall review without modifying the Constitution or Convention but any major structural changes would need decisions by a Plenipotentiary Conference.

2.6 The delegate of Ethiopia, referring to Document 81, said that the amalgamation of the CCIs headed by one Director could be undertaken easily and would enhance efficiency since the four main functions, namely, coordinating the work of the Study Groups, arranging for the publication of documents, reporting to the Plenary Assembly and organizing the work of the CCI, were the same in each Consultative Committee. Funds would thus be made available for redirecting to the other organs. The proposed establishment of the CCIT, combining the managerial functions of the CCIs, would necessitate a review of Article 5 of the Constitution. Provisions on the new organ for development were included to give emphasis to the ITU's function concerning development, details of which were contained in Document 67.

2.7 The delegate of the United Kingdom welcomed the setting up of the Drafting Group and said that proposals G/82/7 and G/82/8 could be discussed there as they concerned the acceleration of working methods in the CCIs. Proposal G/82/9, however, was before the full Committee as it concerned the pre-eminence of the CCIs in world-wide standardization. Since discussions had tended to dwell on the structure of the Union as a whole, the proposal by the United Kingdom could also be taken in that context, bearing in mind the need to look at the links between the CCIs and the General Secretariat. He concurred with the delegate of Canada in that a review of the work of the CCIs had to be objective and that it could be concluded that changes other than structural ones could be implemented by the Plenary Assemblies or the Administrative Council and that any decisions on working methods were to be taken before those on structural changes. He would revert to the matter if new points were raised in the debate and concluded that the draft Resolution proposed by the United Kingdom could be taken into account when preparing a wider Resolution.

2.8 The delegate of Kenya, referring to proposal KEN/86/19, saw the necessity for the Conference to institute mechanisms for a management study to review the entire organization of the ITU with respect to optimum utilization of Headquarters' resources, the long-term future of the CCIs, streamlining and management in the Union's hierarchy, and to ensure financial, administrative and operational effectiveness.

2.9 The delegate of the Federal Republic of Germany, referring to Document 97, stated that the increase in the tasks of the Union had led to difficulty in their financing and that the time had come to take decisions on the financial and organizational measures necessary if the ITU was to perform its functions in the future. Thus, problems relating to financing, structure, personnel and working procedures should be considered as a whole since there would not be enough time in Nice, the draft Resolution on a high-level committee to review the structure of the Union, as in proposal D/97/1, could serve as a basis for work to be done in Committee 7. He also stressed that the decision on establishing the permanent organ for technical cooperation had to be taken at Nice.

2.10 The delegate of Greece, referring to Documents 98 and 110, said that the proposals in the documents were aimed at strengthening the ITU in the field of standardization and helping it make up lost ground. The Director of the CCITT had given two examples of the CCITT having to expedite its work to meet requirements, meaning that it had become a follower in the field. The improvements achieved in Melbourne had been favourable, but although good, the accelerated procedure for approving Recommendations was still not adequate. The period of time between the Plenary Assembly of one CCI and that of the other gave rise to additional delays, as had been mentioned by the delegate of Indonesia in an earlier intervention. Another concern was the rapid evolution towards the integration of satellite, mobile and other radio services into the land services, which had led to the belief that an eventual merger would improve the management of standardization. He did not object to a thorough study which would review the working methods of the two CCIs and propose appropriate measures for a more rapid elaboration of standards, examine thoroughly any areas of potential overlapping and propose methods for avoiding them, as well as studying how the CCIs were to respond to the requirements of the changing environment.

2.11 The delegate of Burkina Faso, referring to Document 194, associated himself with the remarks of the delegates of Saudi Arabia, Indonesia, Australia, Canada, Ethiopia, Kenya and Greece.

2.12 The delegate of the United States supported the concept of the accelerated procedures for recommendations and standards, such as those adopted in Melbourne. Proposals USA/96/23 on Article 17 and USA/96/24 on Article 21 allowed for such procedures to be implemented in both CCIs and constituted a first step towards looking at working methods and procedures. Overall review was appropriate to determine if some actions could be taken by the Administrative Council and others by the respective Plenary Assemblies. He subscribed to the views expressed by the delegates of Canada and the United Kingdom concerning in-depth study of the structure and the interrelationships of the CCIs in that such study should be objective and a part of the overall study on the structure of the Union. He concluded that the studies should determine the direction to be followed in respect of structures, working methods and procedures.

2.13 The Chairman said that he had noted interventions on the working methods of the CCIs which were intended for the Drafting Group and others on the structures of the CCIs which had evolved somewhat from the written proposals contained in the documents presented. He had also noted two areas of general agreement. A decision should not be taken at the Nice Conference on a possible merger of the CCIs or their Specialized Secretariats. But, terms of reference shall be defined for the progress of the work in the form of an in-depth study of the CCIs, their structure, working methods, options, etc., without prejudging the outcome of the study in any form, stressing the form of the study rather than the substance. To this end, he proposed that in their interventions, delegates should focus on five points:

- the type of study or review, including structural and organizational matters, financial points, etc.;
- the scope of the study or review, especially in view of the strong tendency towards a general review of all the organs of the Union and not just the CCIs;
- the time period for the study; who was to perform the study (and it was important to define "independent" in that context); and
- the mechanism for decision-taking on the basis of the study or review, since it seemed that such a study would refer not only to the CCIs but to the global structure of the Union.

2.14 The delegate of India, introducing Document 124 intended for discussion in the Drafting Group, said that the decisions of the CCITT Plenary Assembly in Melbourne contained elements that should be given legal status by the Plenipotentiary Conference. The latter should also direct the CCIR to adopt similar decisions. There was therefore a need for the guiding principles on the approval of such Recommendations to be incorporated into the Constitution and Convention. One principle was the need for approving Recommendations, when they were circulated, by an appropriate majority of Members and another, that those Recommendations were to be given the same status as those approved by a Plenary Assembly.

2.15 The Director of the CCITT said that the CCITT Plenary Assembly in Melbourne had adopted three Resolutions that might be of interest to the Drafting Group. Resolution 2 on accelerated procedures and Resolution 17 on the pre-eminence of the CCITT in world-wide telecommunications standardization were contained in Document 36. Resolution 18 was also relevant and could be made available if so desired.

2.16 The delegate of Senegal said the proposed study should be limited to the CCIs. Its terms of reference should be elaborated in Nice on the basis of the challenges and problems posed by the evolution of the telecommunications environment, and also bearing in mind the Kuwaiti proposal for a CCI for Space Telecommunications. The study was to be carried out by totally independent and autonomous external consultants who would be able to contact anyone they wished for research purposes. The deadline should not be less than three years. If the Administrative Council was mandated to consider the study and report to a Plenipotentiary Conference by 1994, a final decision could be taken then and the Convention and Constitution finally amended.

2.17 The delegate of Italy said the review had to aim for accelerating and improving studies on standardization if the ITU was to keep up with the rhythm being set by regional standardization organizations. The Group itself would decide on the dimensions of the study but it should be given some guidelines in particular since the two CCIs addressed two different types of participants, mainly industry in the CCITT and administrations and RPOAs in the CCIR. A fusion of the CCIs would therefore pose problems because the the same experts were not concerned and results could be expected to suffer. The final decision should be taken by the next Plenipotentiary Conference, the date of which had yet to be decided. In view of the nature of the problems in the CCIs the two Plenary Assemblies were to make suggestions and the Group of Experts, with experts from administrations active in the work of the CCIs, could consider them in the context of the overall structure of the Union.

2.18 The delegate of the Philippines said that in any study for improvement of the working methods of the CCIs consideration should be given to the possibility of using computer aids to accelerate the decision process, shorten the study period and reduce the support required from the Secretariat. Thought should also be given to using such aids and communication networks to improve publication and dissemination of the results of standardization studies. Workshops and seminars should be considered as additional means of getting such information to developing countries. The Conference should be able to arrive at a consensus as to the composition of the Group to carry out the study, which should take the form of an in-depth analysis of the fundamental structures and working methods of all the permanent organs and new entities of the Union. He thought the Group should be able to complete its work in two years. Too long a time frame might render the results of the study obsolete in a rapidly changing telecommunication environment. The results of the study should be submitted for decision to an Extraordinary Plenipotentiary Conference. Copies of the report containing the results of the study should be made available to all administrations in sufficient time to allow for thorough evaluation and ensure sound decision making.

2.19 The delegate of Chile said that the study should consider the structure of the Union as a whole. It should not be too precipitate since radical structural reform was not a matter to be undertaken lightly nor something to be carried out at each Plenipotentiary Conference. It would be sufficient to take decisions on the results of the study at the next ordinary Plenipotentiary Conference. He noted that the general consensus had been not to introduce immediate radical change but to improve procedures.

2.20 The delegate of Lesotho said that since the proposals presented had been so diverse it would be difficult to achieve consensus. In order to accelerate the Committee's work, he therefore proposed that a Working Group should be set up, consisting of the delegates that had made proposals and any others wishing to participate, in order to prepare one or more draft Resolutions on the subject as appropriate for consideration by the Committee.

2.21 The delegate of the USSR said that the study should seek ways and means of increasing the efficiency and effectiveness of the CCIs and accelerating their decision-making processes. It should also be extended to the other organs of the Union, including the proposed CCI for Space Telecommunications and the new organ for technical cooperation and development. However, it need not consider the IFRB in detail since that organ had already been the subject of a study by a Group of Experts. Sufficient time should be allowed for the task to be completed satisfactorily. That was difficult to determine in advance but should be not later than the next ordinary Plenipotentiary Conference. The Administrative Council and the Secretary-General should be asked to keep the progress of the study under review. The Group to carry out the study should consist of representatives of the administrations taking part in the work of the Study Groups, as they were those most closely involved and would also be consumers of the final results. The Group should also take into account the decisions of the Plenary Assemblies of the CCIs. Since decisions on structural change could only be made at Plenipotentiary level, the results of the study should be considered by the next Plenipotentiary Conference.

2.22 The delegate of Costa Rica said that the present Conference should make no decision on restructuring the CCIs but leave that to an in-depth study which would review all structural, organizational and financial aspects in seeking to achieve greater effectiveness and efficiency in the work of the those organs. Since that would be a difficult and complex undertaking, the study should be restricted to the CCIs and be carried out by a Group of Experts on the lines of that set up to consider separation of the Constitution and Convention. That Group should be a multi-disciplinary one including a variety of public and private entities. The results of the studies should be submitted to the next Plenipotentiary for final decision. The study should be completed within as short a time as possible, although it was realized that consensus on the time-frame would be difficult.

2.23 The delegate of Mali, endorsing the proposal set out by the Federal Republic of Germany in Document 97 said that there emerged from the deliberations of the Committee a large measure of agreement in favour of establishing a committee to review structure and working methods. Such a committee should be made up of representatives of Member countries that should be chosen by the present Plenipotentiary Conference with due regard for the representation of the different regions. The Committee should complete its work in time for submission of its results to an extraordinary Plenipotentiary Conference to be convened in 1991 as proposed in Document 97, preparation of which might well be included in that Committee's terms of reference.

2.24 The delegate of India said he shared those views and endorsed many of the suggestions made in Document 97, including the need for a conference to be convened in 1991 to make decisions in the light of the results of the study. The present Plenipotentiary Conference should lay down clear guidelines for the study, which should be conducted under the overall supervision of the Secretary-General. Although he agreed that a high-level committee of experts could be constituted to review the results of the study in order to submit proposals to the conference, the actual study itself should be carried out by independent consultants in the interests of obtaining an objective analysis.

2.25 The delegate of Japan said that the study under consideration should refer to all structures of the Union, since the CCIs did not function independently of the other organs. The results of the study should be considered by the next ordinary Plenipotentiary Conference. The Group established to conduct the study should consist of representatives of administrations and work under the guidance of the Administrative Council. It was a fact of management science that unless the persons operating a system, in the present case the Members of the Union, were involved in reform efforts, the outcome of structural reorganization would not be successful. On the question of improving the working methods of the CCIs, he noted the success achieved by the recent CCITT Plenary Assembly in accelerating the standardization process and making it more flexible. An exchange of views was needed between the Administrative Council and the CCIs to continue improvement of the working process. Furthermore, in his view, the Constitution should not spell out in detail the working procedures of the CCIs, otherwise it would be difficult to modify them in order to reflect the changing telecommunication environment in a timely manner. The Study Group should consider ways and means of giving the CCIs sufficient flexibility to change their working processes at their Plenary Assemblies.

2.26 The delegate of Tanzania endorsed the views expressed by the delegate of Mali in supporting Document 97. Draft Resolution D/97/1, proposed in that document pinpointed all the key elements relating to a structural study. That study should be carried out by a high-level committee with a full mandate from the present Plenipotentiary Conference, it should examine the overall structure of the Union and its results should be submitted for decision to a special conference within the timespan indicated in Document 97.

2.27 The delegate of Pakistan said he greatly appreciated the work already being done by the CCIs but felt that the changing technological environment and converging telecommunications techniques called for some change in their working methods in order to enable them to retain their pre-eminent position in standard setting. The proposed structural study should cover all organs of the Union and all levels of CCI activity, in particular ways and means of improving participation in their work by all Members, especially developing countries. The study should also consider ways of ensuring that the views of users predominated in the preparation of CCI Recommendations, means of accelerating the process of preparing Recommendations and an approach to documentation costs that would ensure access by all Members to CCI documentation. Work on the study should be completed some time between the present and the next Plenipotentiary Conference and should be conducted by outside consultants, perhaps in association with persons having a wide experience of the ITU.

2.28 The Chairman read out the list of 33 speakers remaining who wished to intervene on the subject and, with the assent of the meeting, ruled that the list be closed.

The meeting was suspended at 1235 hours and resumed at 2015 hours.

2.29 The Chairman informed that the delegates of Brunei Darussalam, Greece and Nigeria would be submitting their views in writing.

2.30 The delegate of Mexico said that the study should be a global detailed one, encompassing each of the organs of the Union, and analyse procedures, methods of work and structures. Its main purpose should be to provide a number of alternatives aimed at improving efficiency in the functions of the ITU. It should also include an analysis of the financial and operative repercussions of each alternative. It should be allowed a period of three years and be conducted by a Group of Experts representing administrations, working with officials from the permanent organs. If necessary advice could be sought from outside consultants or the Administrative Council. The Group of Experts should report annually to the Administrative Council which would make recommendations, and the final result should be submitted to administrations well in advance of the Plenipotentiary Conference which would take the final decisions.

2.31 The delegate of Algeria supported the proposals made earlier in the day by the delegate of Mali. A conference held in 1991, as mentioned by the delegate of the Philippines and by the Federal Republic of Germany in its Document 97 should, as the Legal Adviser had already said, be a Plenipotentiary Conference. The Committee should consist of external consultants so that the study would be as objective as possible. In view of the possibility of that Committee concluding in favour of changes in the structure, changes in the Constitution would be required. The Nice Plenipotentiary Conference should therefore make provisions in the procedures enabling such changes to be made. Decisions would be taken by simple majority.

2.32 The delegate of Zambia said that the review should be objective and independent and without prejudice as to the results to be obtained. It should cover the structure of every organ in the Union and the relationship between them. It should be completed as quickly and as efficiently as possible and be carried out by independent consultants. There should be inputs from every organ of the Union and every administration. Decisions on it should be taken by a Plenipotentiary Conference as soon as possible within the provisions of the existing Convention.

2.33 The delegate of Australia said that the review should be directed toward optimizing outputs and effectiveness and reducing overlap and duplication. The Administrative Council should be given enough flexibility to be able to manage the process such a review would imply. While he was not opposed to a global review, the study should tackle the more important aspects first. It should concentrate on structure so that the CCIs, which were facing a challenge as the driving force of the ITU, should be helped as much as possible. The second part of the study could focus on the General Secretariat and the Technical Cooperation Bureau, where the interface could be examined to ensure optimum resource use. The time-frame should be left to the Council and would depend on the progress of the reviews. However the study should not be allowed to run on indefinitely but be brought forward as soon as practicable. Only Members could carry out the study as they were the only ones who knew the Union and understood the interrelationship between Members. Outside consultants could be brought in for views, provided that those views were sensible and capable of implementation. The mechanism for decision making would depend on the outcome of the study, which could not be prejudged. He did not object to a special Plenipotentiary Conference, but where no alteration was made to the basic Convention, the Council should be able to apply decisions immediately. The Union could not wait for years for a Plenipotentiary Conference. He fully supported the delegate of Japan's comments on the need to be flexible in approaching the working methods of the CCIs and in avoiding bureaucracy. Good measures had been taken in Melbourne and the membership should make sure that that progress was continued.

2.34 The delegate of Canada said that the study should go into structure, internal management, organizational and financial matters, personnel, working methods and coordination, including the working methods of the Coordination Committee. It should cover all organs of the Union and focus in particular on the interrelationship between

them. It should be completed by late 1992 or early 1993, since anything earlier would be far too hasty. It should preferably be carried out by senior managers of the Union with experience in telecommunications and the ITU, and with experience in the management of large organizational units because the study would be a management study. Members selected should represent as wide a geographical distribution of the membership as possible. While there was a role for consultants to assist the Group, they should not carry out the entire study. Senior officials could supervise consultants for specific studies such as that on the dissemination of information. As far as the mechanisms for decision-making were concerned, the work should be given priority and the Council should oversee it. In that way interim reports could be submitted to the Council which could take action on matters not requiring a Plenipotentiary Conference. Similarly, certain matters could be left to the Plenary Assemblies. The report should be available for the 1993 session of the Administrative Council and the results together with the comments of the Council, be distributed by the Secretary-General immediately afterwards. It was important to build ownership of membership into the study, and it would take time for administrations to study the report, discuss it amongst their own officials and private agencies, reach a consensus and then attend a Plenipotentiary Conference to implement changes. To assist in an understanding of the study, and to ensure ownership and credibility of its results, it might be necessary to have regional meetings in each region of the Union to explain and explore the results, to make sure that all Members fully understood them and to be able to put questions to those involved in the study.

2.35 The delegate of Brazil said that the study should be as broad as possible, covering all organs of the Union and going into all structural aspects, personnel and budgetary matters, coordination and in particular the future role of the Coordination Committee. A number of elements were involved in consideration of the time frame: the study was a complex one and could not be completed in less than three years, whether it was done by a Group of Experts alone or with the advice of outside consultants. In considering timing, account should also be taken of the fact that the study should be under the coordination of the Administrative Council, which could take and implement decisions within a given period of time, once the report had been fully studied and up to the point where decisions were required by a Plenipotentiary Conference. A provision was therefore necessary to modify the Constitution without the requirement of a two-thirds majority at the next Plenipotentiary Conference. If the Nice Conference should decide to set up a panel of experienced persons to advise the Council, which could also be advised by outside consultants, it should consist of representatives from all sectors interested in telecommunications: administrations, scientific and industrial organizations, user representatives and new service providers. The study should be conducted by outside consultants with the advice of the Administrative Council, and the Council and the Members must follow very closely and frequently everything that was done.

2.36 The delegate of Bulgaria endorsed the views expressed by the delegate of Mexico. The study should focus on a better distribution and more effective use of finances and put forward suggestions for more effective forms of cooperation. Particular attention should be given to improving the relationship between the CCIs with a view to coordinating their work, avoiding duplication and reducing the number and duration of meetings, as well as introducing technical facilities for discussing questions. The analysis should identify all bottle-necks in the work of the Union and take account of the views of administrations and ITU officials. The timetable could not be fixed, but the study should be approved and monitored by the Council. The work would be done by a panel of experts including consultants specialized in the organization of labour and its results should be considered and confirmed at the next Plenipotentiary Conference, which should not be an extraordinary Plenipotentiary Conference.

2.37 The delegate of the Islamic Republic of Iran said that the study should be a broad and comprehensive one covering the structure and working methods of the Union and the permanent organs. It should be conducted by a group of representatives from administrations, assisted by outside consultants. The Legal Adviser had made it clear that only a Plenipotentiary Conference could act on any decisions or results of the study. Document 97 submitted by the Federal Republic of Germany indicated an appropriate time element. The Iranian Delegation wished to express its appreciation of that document and fully to support the position taken by the delegate of Mali.

2.38 The delegate of Lebanon fully supported those speakers who had urged that the study should be based on Document 97. The Chairman should therefore set up a Working Group forthwith, chaired by the Federal Republic of Germany, to prepare a draft Resolution on the basis of Document 97 and in the light of comments made by the Committee. He also proposed that the new Administrative Council, to be elected by the Nice Plenipotentiary Conference, should suggest the convening of an extraordinary Council Session in October 1989 to consider the implementation of the Resolution which would be approved by Committee 7 and subsequently adopted by the Plenary Meeting. By not waiting for the June session of the Administrative Council, a year would be saved and thus ensure that an extraordinary Plenipotentiary Conference could be held at the beginning of 1991 to settle the problems once and for all.

2.39 The delegate of Portugal said that the study should be a global one involving the whole organization, focussing on working methods and financial aspects and including the new organ for development. It should take account of the existing interrelationships between the different organs of the Union and the aptness of the Union's structure for the evolution of the telecommunications environment, particularly its technological aspects. The structure of the Union should also be examined from the point of view of rationalization, the solution of financial problems and the release of funds for development activities. The results of the study should be discussed at an extraordinary conference to be held by 1991. It should therefore be available before that date to enable that conference to be properly prepared. Ideally there should be an external input and internal assessment, and one solution might be a task force or committee representing all the regions. In its work, the committee could request the services of the ITU, of its Members and of outside consultants. There should therefore be strong, top-level effective direction in an independent framework, supported by an outside consultancy. The present conference should determine the criteria for the composition of that top level committee on a fair regional basis.

2.40 The delegate of Burkina Faso said that the study should take account of the overall structure of the ITU including the new permanent organ for technical cooperation. The Federal Republic of Germany's suggestion that the study should take a maximum of two years was a good one. The study would therefore have to be completed one and a half years after the closing of the Nice Plenipotentiary Conference to allow proper preparation by administrations. The Group responsible for the study should be a joint one because those from the inside would be familiar with the business and could act as a uniting force. Although the ITU was one of the specialized agencies that worked best, an outside view with new ideas, which could be relied on to explore any possible changes in-depth would be invaluable. The Legal Adviser had been very clear in his explanation that the necessary legal steps could only be carried out by a Plenipotentiary Conference.

2.41 The delegate of Indonesia said that the study should be completed no later than 1991 when an extraordinary Plenipotentiary Conference should be held. The study should embrace the entire organization of the Union, and included the financial impact of any proposed changes. He supported the proposal by the delegate of Mali that outside consultants should be used, supervised by the Administrative Council and a high level team of Experts, which should be the mandatories of the Nice Plenipotentiary Conference. The report should be submitted to the next Plenipotentiary Conference, to be held no later than 1991.

2.42 The delegate of France said that the study should be an overall one dealing with all the organs of the Union, its entire structure and function, the staff and the working methods with a view to improving its efficiency and bringing it into line with its objectives. It must be a very thorough and objective study, of which outside consultants were not the best guarantee, largely because they were not in a position to take decisions. The study should therefore be carried out by a group of senior officials of the Union, possibly supported by outside consultants, with the Administrative Council following the study very closely and acting as trustees. The study should not be done in haste; and the results could be prepared in two or even three years. The Administrative Council would then forward the results to administrations which would need a year to consider them. After some four years, therefore, the results could either be discussed by an extraordinary Plenipotentiary Conference, or in five years by the next regular Plenipotentiary Conference.

2.43 The delegate of the United Kingdom supported the views expressed by the delegates of Japan and Canada. With regard to the time element, although the document produced by the Federal Republic of Germany had much to commend it, it referred to the possibility of a conference in 1991. That suggestion was over-optimistic, particularly since the discussions suggested that one of the key problems at the Nice Plenipotentiary Conference was that the question of structural change, a major question for the Union, had been inadequately prepared before the Conference. The ideas behind it had not had time to mature, and such ideas needed careful study and time to mature both within and between administrations. Many of the recommendations which might arise from the review might be capable of implementation by the Administrative Council or the CCI Plenary Assemblies. Also, bearing in mind the costs of an extraordinary conference, a review should be set up without delay, that its report should be considered in the first instance by the Administrative Council and circulated to all administrations and the Council should have the power to implement changes in working methods and procedures within the Union. If the review indicated that any changes in structure were justified, they should be dealt with by the next Plenipotentiary Conference, which according to current plans should be held in 1994.

2.44 The delegate of Ethiopia fully supported the views of the delegates of Mali, Tanzania and the Islamic Republic of Iran and those in favour of an overall study based on the suggestions put forward by the Federal Republic of Germany in Document 97. As far as the timing was concerned, a two year limit was the most appropriate but in view of the time needed to obtain views from administrations, it could run to three years. A high-level Group of Experts should supervise and guide the study which would be carried out by a consultancy firm or Group of Experts selected from Member countries. It should be reviewed by the Administrative Council, after which an extraordinary Plenipotentiary Conference would consider the validity of the study and decide on the outcome.

2.45 The delegate of Kuwait supported the statements made by the delegates of Mali and Algeria concerning the constitution of the Group of Experts to study the structure of the Union. The results of the study should be submitted before 1991.

2.46 The delegate of Colombia supported proposals put forward for a review of the overall structure of the Union, its methods of work and each of its organs. Indeed the necessary elements for the study were contained in Document 97 by the Federal Republic of Germany. The study should be aimed at strengthening the structure and universality of the Union and be carried out by a committee of high-level officials from administrations established by the Nice Plenipotentiary Conference. The results of the study would go through the Administrative Council to an extraordinary Plenipotentiary Conference, which should be held in two years time. As the delegate of the Philippines had stated, anything over two years for the preparation and analysis of results could make the results obsolete.

2.47 The delegate of Papua New Guinea said that the study should be an overall review of the Union including the CCIs. It should be conducted by a group of administrations with present or past ITU staff as witnesses and the views of administrations being given the most serious consideration. There should be full consideration of the financial and staffing implications of any changes suggested in the study, and those should be clearly detailed for consideration by the Plenipotentiary Conference. The role of the Coordination Committee needed the most careful examination to ensure its effectiveness. The aims of the study should be to make the various organs effective and efficient and to streamline their interrelationships. Any decisions taken by the Nice Plenipotentiary Conference should also be reviewed, particularly with regard to their financial and staffing implications. The review should be carried out in the foreseeable future, with a report submitted in the first instance to the Administrative Council and then to a Plenipotentiary Conference in not less than three to four years. The terms of reference should promote objectivity and not point in any particular direction, but they should give freedom to produce the best proposals for consideration by the Plenipotentiary Conference.

2.48 The delegate of the Netherlands said that the study should be approached in an open-minded way. All speakers had emphasized the importance of streamlining and economizing the work of the Union. The study should therefore be an overall one, include the new organ for development and cover working methods, efficiency and the consequences of any decisions which might be taken on the financing, staff and work of the Union. The study would undoubtedly result in changes in the basic structure of the Union provided they proved to contribute to its efficiency and functioning in general. Many previous speakers had said that the study should be carried out as quickly as possible, but as that expression had acquired a certain significance at the present Conference and more time would be needed for a professional in-depth study, France's view that a period of about four years before decisions could be taken by the relevant conference was appropriate. The study would be carried out by a Group of Experts supervised by the Union, and assisted by a group of outside consultants if necessary. It would be appropriate for the Administrative Council to be permitted to implement any conclusions of the study which fell within its competence as soon as possible and in any case before the next Plenipotentiary Conference. Other items would be dealt with by the next regular Plenipotentiary Conference.

2.49 The delegate of Cameroon said that only a comprehensive and exhaustive study of the structure of the Union in all its dimensions and facets was conceivable. The proposals made by the Federal Republic of Germany were good ones and to a great extent covered the five points identified by the Chairman. He also supported the views of Mali and the Philippines. For reasons of objectivity, the study should be carried out by an independent body assisted by experts from Member countries. It should be completed in about two years and be communicated to Members. Any conclusions requiring action within the competence of the Council should be implemented by the Council for reasons of economy. The Working Group proposed by one delegation deserved further consideration. It should be chaired by the Federal Republic of Germany and determine the terms of reference of the special group.

2.50 The delegate of Saudi Arabia said that the study should take into account the role of all organs of the Union and consider financial questions. It should be conducted quickly and be concluded before the next Plenipotentiary Conference. It should be made by a high-level group, having regard to geographical distribution, with competent outside advisers. The Saudi Arabian Administration had already made proposals to strengthen the activities and role of the Union, which should be taken into account, as should the rapid changes in telecommunications. Document 97 by the Federal Republic of Germany could form an important basis for the work.

2.51 The delegate of Guinea said that while he supported the proposals put forward in Document 97 by the Federal Republic of Germany, the Group of Experts which would be set up to study the structure of the Union should base its work on the results of all the Committees at the Nice Plenipotentiary Conference.

2.52 The delegate of Peru supported the proposals by the Federal Republic of Germany in Document 97 and the views of Mali. A two-year period to carry out the study followed by an extraordinary conference were reasonable. There appeared to be some consensus on the subject of the study and who should carry it out. It should, in any event, include the Technical Cooperation Bureau. With regard to the posts of Directors of the CCIs, shortly to be elected, and of a possible new CCI for Space Telecommunications, an extraordinary Plenipotentiary Conference should elect the new directors which would be considered as a first election. Their term of office should continue until 1994 when there should be no restriction on their eligibility for the next period.

2.53 The delegate of the Federal Republic of Germany, referring to the Chairman's five points, said that the terms of reference for the study should be established at the present Plenipotentiary Conference and should provide guidance for all other organs subsequently concerned with carrying out the study. It had to be borne in mind that the Conference had taken a decision in principle on the creation of a permanent organ for technical cooperation. The study was to be in-depth and comprehensive and concern all organs since there was interaction between the CCIs and the General Secretariat and also between the new organ or the Technical Cooperation Department and the CCIs. Financial aspects had to be taken into account and consultants could be costly. 1991 had been proposed as a deadline, based on experience at the national level. Discussions had shown however that more flexibility was needed at the international level and that should be included in a Resolution. In any case, no time was to be lost. The Secretary-General and the General Secretariat had to start making arrangements. However, he considered a suggestion to call an extraordinary session of the Administrative Council in the following autumn to initiate the work somewhat surprising in view of No. 238 of the Convention which stated that the Council was to meet once a year. The Administrative Council was to be responsible for the study and a Panel of high-level Experts could be foreseen, together with some consultancy for working methods. Outside consultancy alone however, was not desirable. The Administrative Council should also ensure that the Members of the Group inform the Members of the Union twice a year, thus providing feedback. Certain results would not need decisions by either an ordinary or extraordinary Plenipotentiary Conference and during the course of the work, certain decisions could be implemented either by the Administrative Council or the Plenary Assemblies of the CCIs.

The CCITT had already made changes to its working methods at its Plenary Assembly in Melbourne and the CCIR would be holding a Plenary Assembly in 1990. Since a certain amount of flexibility was desirable, the Administrative Council would have to decide on how to proceed on the basis of the results achieved.

2.54 The delegate of the United States said that the studies should look at all aspects of the structure, organization, financial dimensions, methods and procedures. There should be an in-depth study of all the organs of the Union, including the newly formed organ for technical cooperation. That was important due to the differences in the distribution of resources, personnel, etc., and there were many interactions between the various organs of the Union. Alternatives, specific pros and cons, operational dimensions and interactions had to be looked at and the way in which the new structure could serve the needs of the Union had to be examined. The study should take as long as necessary for it was important to assure that administrations had an opportunity to review and look at it in sufficient time to be able to provide feedback with regard to their views. The concept of regional meetings, as mentioned by the delegate of Canada, was a good way of achieving that goal. The study should be performed by experts from administrations of the Union who were familiar with

management techniques and had experience in all dimensions of the ITU. The Group could be assisted by outside experts but the study had to be managed by the membership. Major decisions on the structure had to be made by a Plenipotentiary Conference but other decisions could be made with regard to improved methods and procedures and could be directed by the Plenary Assemblies of the CCIs. The Administrative Council could also take many decisions within its competence. The 1994 Plenipotentiary Conference seemed to be the best deadline.

2.55 The delegate of Hungary said that an overall detailed study, open-ended without any prejudgment, was necessary. It should cover all the organs of the ITU with emphasis on interrelation and cooperation. The participants in the study should be high-level experts, assisted by outside experts on management and organizational science, and be selected on the basis of their world-wide renown. Past and present elected officials and members of the staff of the ITU were also to be included. The work should start and finish as soon as possible, reasonably speaking in three to four years, but he was not against a speedier solution. The final decision lay with the Plenipotentiary Conference, probably the next ordinary one. He added that Hungary like three-quarters of the membership, was not a Member of the Administrative Council and had no direct influence on its work and decisions. It was therefore difficult to accept the Administrative Council as a decision-taking body or even accept procedures giving the Council too strong a power to influence the work. The terms of reference should be defined at the current Conference without forcing the study team to follow any pre-determined ideas and leaving it free to list all the arguments for and against, when seeking an optimum solution.

2.56 The delegate of Morocco said that the study should cover all the organs in depth with respect to structures working methods, financing, etc. It should be undertaken by a Group of Experts from Member countries as only the Members were familiar with the interests of the Union and no outside consultants could provide a solution and take into account the aspirations of the Members. Each country should be free to send management, legal and financial experts and the Group could thus organize the study of all aspects under the terms of reference to be established by the Conference. It should have all the time necessary for reaching conclusions reflecting the consensus of all the Members. That could well be the period until the next Plenipotentiary Conference which should take decisions on the results. He did not reject the idea of an extraordinary Plenipotentiary Conference in 1991 but considered an ordinary Plenipotentiary Conference in five years' time to be appropriate. The results of such a study would commit the Union for many years and it was important for it not to be done in haste. The Administrative Council would have to see the work before transmitting it to the Members who would need enough time to study it to facilitate decision-taking at the Plenipotentiary Conference. However, if during the debates it proved necessary to convene such an extraordinary meeting his Delegation would revise its opinion in line with the principle that opinions could change in the supreme interests of the Union.

2.57 The delegate of New Zealand believed that the study should be an overall structural one on the best methods of carrying out the functions of the Union, focussing initially on the various organs, their interrelationships, potential changes in the organs and their relationships and, later in the study, considering the best internal working methods of the organs, whether they be new, existing or modified. The study should also focus on the aspects necessary to implement the functions of the Union including funding and staffing to ensure that the Union's structure contained the correct incentives. The study should consider all the organs of the Union, the General Secretariat, Technical Cooperation and the CCIs, with somewhat lesser emphasis on the IFRB because of its special mandate and functions. Regional representation should also be considered with a view to seeing whether it needed to be augmented. In addition, the efficiency, effectiveness and size of the Administrative Council itself should not be excluded. He believed it was unlikely that such a study could be carried out in less than two to three years. It was premature to judge the time before clarifying the

objectives, but the study should certainly start without delay. It should be carried out primarily by the Members, possibly with the participation of consultants in well-defined parts of the study to ensure balance and objectivity, and the Administrative Council should be authorized to engage such consultants accordingly. Members had to be given the opportunity to put their views forward. It should be submitted to the next Plenipotentiary Conference by the Administrative Council and if the Administrative Council was able to take measures and make changes immediately in the interests of efficiency, it should do so. An extraordinary Plenipotentiary Conference was possible, but in view of the fact that preparations had to be made and that Members had to be fully acquainted with the contents of the study and its implications the 1994 Plenipotentiary Conference was the more likely. He supported the comments of the delegate of the United Kingdom.

2.58 The delegate of Argentina said that the study should cover all the permanent organs of the Union, including the Coordination Committee and its hierarchy, and take into account their organization and related financial and staff matters. At least three years would be needed and the Administrative Council, as the recipient of partial reports by the Group of Experts on the study would be in a position to consult the Members as to the date of holding a conference to examine the results. The Members would have to receive the results of the Group's work six months beforehand. The experts would have to come from administrations and it would be possible for external consultants to participate but they would have to be nominated by the experts and financial resources foreseen for that possibility. If the Group of Experts deemed such participation necessary and duly informed the Administrative Council, the latter would accord the Group the necessary credits. Decisions emanating from the study would have to be taken by the Plenipotentiary Conference but decisions that could be implemented by the permanent organs before the Conference should be implemented, and similarly the Administrative Council should implement immediately any conclusions where possible.

2.59 The delegate of the Yemen Arab Republic said that a questionnaire should be sent to all Members containing technical, administrative and other pertinent questions, as well as scientific matters. Precise dates had to be given for the study and the work of the IFRB taken into account.

2.60 The Chairman, summarizing the discussion, said that a clear majority had emerged in favour of an in-depth, independent, global, overall review which would include structural aspects, methods of work, financial aspects and staff matters relating to the whole Union. The study should have no predetermined objectives except for the Union to be more effective and efficient in the accomplishment of all of its functions. A consensus had been noted in that the review was to be undertaken by a high-level committee together with experienced consultants. A clear majority was in favour of having decisions on matters regarding the structure adopted by a plenipotentiary conference. Methods of work, however, could be changed by a decision in the Administrative Council within its realm of competence. There had been wide support for the proposal by the Federal Republic of Germany in Document 97 with respect to the scope of the study, its timetable and approach, and the proposal had been supported for use as a basis for the work. Differences of opinion had been observed on several aspects: the supervision of the study, where reference had been made to a high-level Group of Experts, a Group mandated by the Plenipotentiary Conference or by the Administrative Council itself. There had also been differences of opinion with respect to the probable date to be set for the conference which would take a decision on the recommendations in the study: 22 delegations were in favour of a date of 2 years ahead, 5 in favour of 3 years and 12 in favour of five years.

He suggested the creation of Drafting Group 7 ad hoc 2 and invited 21 delegations having made specific proposals or contributions in the debate to participate. The Group was to prepare the terms of reference for the review on the structure and functioning of the Union using that day's debates as a basis, together

with proposals and opinions expressed earlier in Committee 7 and reflected in the respective summary records. The Delegation of the Federal Republic of Germany had agreed to coordinate Drafting Group 7 ad hoc 2 and the Delegations of Algeria, Saudi Arabia, Australia, Brazil, Burkina Faso, Canada, Colombia, Spain, United States, Ethiopia, Hungary, India, Indonesia, Kenya, Mali, Peru, United Kingdom, Tanzania, URSS and Zambia were invited to participate.

2.61 The delegate of Nigeria, referring to the Chairman's summary, requested the inclusion of regional conferences to address the issues to be dealt with by the Group of Experts. After such regional conferences administrations would be able to comment on the study which would later be submitted to a Plenipotentiary Conference.

2.62 The delegates of Japan and the Islamic Republic of Iran expressed their wish to participate in the Group, and the delegate of Zambia asked to be withdrawn.

2.63 The Chairman, after an exchange of views with the delegates of Chile, Congo, the Federal Republic of Germany, Lebanon, the Philippines, Mexico, China, the Netherlands, Paraguay and New Zealand on the merits of a smaller Drafting Group and whether it should consist of 5, 10 or 11, or 21 Members, said that the Group would be established at the following morning's meeting.

2.64 The delegate of Japan requested the Members of the ad hoc Group to take into account the special interest of his Delegation in the next Plenipotentiary Conference as the decisions taken would affect its planning.

3. Summary records

3.1 The delegate of the USSR, on a point of order, said that the Committee had already held 18 or 19 meetings but no summary records were yet available and he wondered when they would be published. In addition he asked why documents such as 310, which had not been discussed in Committee 7, had already been transmitted to other Committees for discussion.

3.2 The Chairman explained that Document 310 was a Note from the Chairman of Committee 7 to the Chairmen of Committees 4, 6, 8 and 9 as was agreed at a previous meeting. With respect to the summary records, some had been published but he would be able to provide more information at the following meeting.

The meeting rose at 2310 hours.

The Secretary:

A.M. RUTKOWSKI

The Chairman:

A. VARGAS ARAYA

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 319-E

24 June 1989

Original: English

COMMITTEE 8

SUMMARY RECORD

OF THE

THIRTEENTH MEETING OF COMMITTEE 8

(PURPOSES, RIGHTS AND OBLIGATIONS)

Friday, 16 June 1989, at 0940 hrs

Chairman: Mr. M.F. DANDATO (Zimbabwe)

Subjects discussed:

1. Article 4 of the draft Constitution
(Nos. 16-18) (continued)

Documents

A, 276(Corr.1)
DT/40, DL/20

1. Article 4 of the draft Constitution (Nos. 16-18) (continued) (Documents A, 276(Corr.1), DT/40, DL/20)

No. 16 (continued)

B/58/5 and PRG/95/12

1.1 The delegate of Brazil said that his Delegation's proposal, which was the same as that of Paraguay, was to amend the word "nations", in paragraph 1c) of Article 4, to read "Members", which it considered more suitable.

1.2 The delegates of the United States, Argentina and Colombia supported that amendment.

SLM/17/7

There was no support for the proposal.

1.3 The Chairman said he assumed that the Committee accepted proposal B/58/5, which would remain in square brackets pending a decision by Committee 9.

It was so agreed.

No. 16A

KWT/11/2

1.4 The delegate of Kuwait introduced his Delegation's proposal to add a new subparagraph d) to paragraph 1 of Article 4, reading "promote the use of telecommunication services for peaceful purposes".

1.5 The delegates of Saudi Arabia, Bahrain, the German Democratic Republic, Oman and Mexico supported the proposal.

1.6 The delegate of the United States supported the concept of the Kuwait proposal but in the interests of consistency suggested use of the wording already adopted for the Preamble, namely "to promote the use of telecommunication services with the objective of facilitating peaceful relations".

1.7 The delegations of Australia, Paraguay and Canada supported the United States proposal. The delegate of New Zealand also supported the proposal but suggested that the words be placed after 15.

1.8 The delegate of Kuwait, supported by the delegate of Saudi Arabia, pointed out that there was a difference between "peaceful purposes" and "peaceful relations".

After further discussion the United States proposal was adopted and it was agreed to place it after 15 as 15A.

No. 17

B/58/6 and PRG/95/13

The proposals for no change were adopted.

No. 18

1.9 The Chairman drew attention to the list of proposals for No. 18 and invited the delegations of the submitting administrations to introduce them.

B/58/6

1.10 The delegate of Brazil explained that his Administration's proposal was designed to make it clear that one of the purposes of the Union was to effect allocation of orbital positions.

1.11 The delegate of the United Kingdom supported the principle of the Brazilian proposal but thought that difficulties might arise if the various proposals were considered one by one. Several proposals under No. 19 covered the same concept as the Brazilian proposal as well as the improvement of the use of the geostationary orbit. He therefore suggested that they be discussed together.

1.12 The delegates of Sweden and the United States endorsed that proposal.

After discussion, the Chairman noted that the consensus was that the proposals should be dealt with separately.

KEN/86/1

1.13 The delegate of Kenya said that his Delegation's proposal was to include the words "and orbital positions in the GSO" after "effect allocation of the radio frequency spectrum and registration of radio frequency assignments" in paragraph 2a) of Article 4. The World Administrative Conference on the Use of the Geostationary Satellite Orbit had given special responsibility to the ITU in respect of frequency assignments and the allocations of orbital positions in the GSO, which should therefore be included among the purposes of the Union.

1.14 The proposal was supported by the delegates of Indonesia, Venezuela and Zimbabwe.

PRG/95/13

1.15 The delegate of Paraguay said that his Administration's proposal was basically the same as that of Brazil with a slight difference of wording, but he could also accept the Kenyan proposal: in response to a question by the Chairman, he withdrew proposal PRG/95/13.

CTI/132/9

1.16 The delegate of Côte d'Ivoire introduced his Administration's proposal, for which there was no support.

1.17 The Chairman accordingly requested delegations to indicate their preference with regard to the remaining two proposals (B/58/6 and KEN/86/1).

1.18 The delegate of Japan said that in view of the provisions of Article 10, paragraph 5a) and b) of the draft Constitution (Nos. 78 and 79) dealing with the essential duties of the IFRB, he proposed that the reference to orbital positions which Brazil proposed to add to No. 18 be replaced by the corresponding phrase in No. 992 of the Radio Regulations, viz, "including information about any associated locations of geostationary-satellites". The rest of No. 18 would remain the same.

1.19 The delegate of Brazil accepted that amendment.

1.20 The delegate of Lesotho said that Kenya's proposal to add simply "and orbital positions in the GSO" was best for a concise document such as the Constitution, but the acronym should be spelt out since it was the first reference to the geostationary orbit. The delegates of Zimbabwe and Mexico also supported the Kenyan proposal, the latter pointing out that the word "orbital" would be redundant if the GSO was spelt out.

1.21 The delegate of Kenya agreed to that suggestion.

1.22 The delegate of the United Kingdom saw little difference between the two proposals and supported the amendment suggested by the delegate of Japan.

1.23 The delegates of Saudi Arabia, Mali, Qatar, Morocco, Nigeria, China, Colombia and Algeria supported the Kenyan proposal as amended by the delegate of Mexico.

1.24 The delegate of the Netherlands said that in view of the terms of Article 10 of the Constitution already cited, the wording of No. 18 should not infer that the Union registered orbital positions in the GSO as such. He supported the amendment proposed by the delegate of Japan.

1.25 The representative of the IFRB (Mr. Bellchambers) pointed out that the Board does not record orbital positions in isolation, but only together with associated radio frequency assignments.

1.26 The delegate of Sweden endorsed the Brazilian proposal as amended by the delegate of Japan but suggested that the phrase to be inserted from No. 992 of the Radio Regulations should begin with the words "together with", so as to clarify the fact that orbital locations were only being recorded in the context of the registration of radio frequency assignments.

1.27 The delegates of Brazil and Japan accepted that suggestion.

1.28 The delegate of the Federal Republic of Germany said that since the Kenyan proposal might be misinterpreted to imply the registration of any spacecraft position in the GSO, he could only support the Brazilian proposal as amended by the delegates of Japan and Sweden.

1.29 The delegate of France also supported the Brazilian proposal, as amended.

1.30 The delegate of Kenya, replying to the discussion, noted that there had been considerable support for his Administration's proposal. With regard to the interventions by the delegates of Japan and the Federal Republic of Germany, he approved of the former but found that it strengthened the case for a consistent modification of Article 4, because the IFRB's duties sprang from the purposes of the Union. Kenya's modification was intended to lend credence to the duties of the IFRB as set out in No. 78 of the Constitution. As for the suggestion by the delegate of the Federal Republic of Germany that Kenya's proposal might be misinterpreted, there could in fact be no misunderstanding as to the purposes and limits of the modification, given the Union's role as the United Nations specialized agency for telecommunications.

1.31 The delegate of the United Kingdom suggested that the reservations felt about the Kenyan proposal might be accommodated by amending the modification to read: "and any associated orbital positions in the geostationary orbit".

1.32 The delegate of Kenya said that his Administration's proposal already allowed for the point made by the representative of the IFRB.

1.33 After considerable discussion, the Chairman said that there appeared to be a consensus and that if there was no objection, he would take it that the Committee wished to approve No. 18 with the modification proposed by Kenya, as amended by the delegate of Mexico.

It was so decided.

1.33A In a reply to the Delegation of Kenya, the Chairman said that he was not reopening discussion on what had already been decided but was seeking a consensus around the proposed amendment by the Delegation of the United Kingdom.

1.34 The representative of the IFRB repeated, for the record, that the implication of the wording in the original proposals that radio frequency assignments and orbital positions could be registered separately by the IFRB might cause misunderstanding. In fact, orbital positions were never recorded on their own but only when associated with frequency assignments.

1.35 The delegate of Kenya considered whether the IFRB representative who was merely a technical adviser to the Committee was now questioning the decision already made in the Committee.

1.36 The representative of the IFRB said that he was not questioning the decision but had thought it necessary to ask to have the Board's position put on record in order to avoid misunderstanding in case his earlier statement had not been sufficiently clear.

1.36A The Chairman said that there appeared to be no support to the suggested amendment by the Delegation of the United Kingdom, so the decision to adopt the proposal by the Kenyan Delegation as amended by Mexico had not changed.

1.37 The delegate of Sweden said that, in view of the possibility of misinterpreting No. 18, as approved, he would reserve his right to revert to the matter at a later date.

1.38 The delegates of Australia, the Netherlands, France, the Federal Republic of Germany, Canada, the United States, Finland and Japan also reserved their right to revert to the problem at a later date.

The meeting rose at 1235 hours.

The Secretary:

D. SCHUSTER

The Chairman:

M.F. DANDATO

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 320-E
22 June 1989
Original: English

COMMITTEE 9

SUMMARY RECORD

OF THE

NINTH MEETING OF COMMITTEE 9

(BASIC INSTRUMENT OF THE UNION)

Friday, 16 June 1989 at 1440 hrs

Chairman: Mr. H.H. SIBLESZ (Netherlands)

Subjects discussed:

Documents

1. Approval of the summary record of the fifth meeting of Committee 9
2. Consideration of proposals (continued)

254

DT/12 + Corr.1
+ Add.1 + Add.2,
Documents A + B,
GE-BIU 50(Rev.), DT/46

1. Approval of the summary record of the fifth meeting of Committee 9
(Document 254)

The summary record was approved on the understanding that delegates were entitled to submit corrections to their own statements, in writing, to the Secretariat.

2. Consideration of proposals (Documents DT/12 + Corr.1 + Add.1 + Add.2, Documents A and B), GE-BIU(Rev.), DT/46, (continued)

Article 39

2.1 The Chairman invited the Committee to consider the draft text of Article 39, as contained in Document DT/46.

2.2 The Legal Adviser noted that the English text of the first sentence of No. 177 should be amended to read: " not a signatory to". The text contained in Document DT/46 had been drawn up in the light of the Committee's earlier discussion and was set out in three paragraphs so as to harmonize it with Article 38. No. 177 dealt with States which could accede, No. 178 dealt with the deposit of the instrument of accession and the action to be taken by the Secretary-General, and No. 178bis established when an instrument of accession would become effective. The question of which instruments of accession were to be taken into account in making up the number required for the entry into force of the Constitution and the Convention should be dealt with in Article 46. It was to be understood, however, that only instruments of accession deposited by Members of the Union were to be taken into account. Whatever the number finally agreed upon, Article 46 should specify so by referring to instruments of "accession by a Member". Instruments of accession of "newcomers" to the Union would not be counted for making up the number required for entry into force of the Constitution and the Convention but, under No. 178bis, would become effective only after the entry into force of the Constitution and the Convention.

2.3 The delegate of the United States suggested that the text would be clearer if, in the first sentence of No. 177, the words "of the latter Article" were replaced by "of Article 1", thus removing the implication that there was a former Article. The delegates of Algeria and Australia expressed concern that the first sentence of No. 177 appeared to imply that Members which were not signatories were nevertheless subject to the provisions of Article 1.

2.4 The Legal Adviser proposed that the first sentence of No. 177 be amended to read: "A Member which is not a signatory to this Constitution and the Convention or any other State, referred to in Article 1 of this Constitution and subject to the provisions thereof, may accede thereto at any time".

It was so agreed.

2.5 The delegate of Côte d'Ivoire, supported by the delegates of Mexico and Guinea, said that the text should maintain the distinction made in the French text of Article 46 of the Nairobi Convention between the transmission of the instrument of accession and its deposit. In the first sentence of No. 178, therefore, "est déposé auprès" ("shall be deposited with") should be replaced by "est adressé au" ("shall be transmitted to"). The remainder of the text of No. 178 could be worded more elegantly.

2.6 The delegates of Colombia, Algeria, Romania, Morocco, Australia, France and Sweden said that it was important to specify that the instrument of accession "shall be deposited" in order to establish the legal act of deposit. Terms such as "transmitted to" or "communicated to" could merely mean that the instrument was sent by post.

2.7 The Legal Adviser recalled the earlier decision of the Committee to delete the phrase "by diplomatic channel and through the intermediary of the country of the seat of the Union" throughout the text. The depository was to be the Secretary-General, a decision that reflected both the outmoded procedure of the earlier provision and what had become current practice. It was thus correct to say that the "instrument of accession shall be deposited with the Secretary-General".

2.8 The delegate of Morocco, supported by the delegate of Romania, said that the text should state explicitly that the Secretary-General was to be the depository.

2.9 The Chairman considered that the text was clear enough to convey that information but said that the question could be taken up later in connection with the Testimonium. With respect to the proposal by the delegate of Côte d'Ivoire, he drew the attention of the Committee to the large amount of work outstanding and the limited time in which to accomplish it. He therefore proposed that the text of Article 39 be approved as it stood in Document DT/46, as amended on the suggestion of the Legal Adviser.

It was so agreed.

Article 39 was approved, as amended.

Article 40

2.10 The Chairman drew attention to paragraphs 15 and 16 of the report of the Group of Experts and to the proposals submitted by the Delegations of France, Japan, the Netherlands and the United States. He invited the Delegations concerned to introduce their proposals.

2.11 The delegate of France said that his Delegation's proposal F/83/4 was designed to simplify No. 179 by deleting the words "regarded as" before "annexed", since they had no legal value. When the question had been raised in the Groups of Experts, there had been some discussion on whether or not the term "shall be annexed" implied physical appendage of the Regulations to the basic instrument; his Delegation's interpretation of the relevant provisions of the Nairobi Convention was that the term did not carry such an implication.

2.12 The delegate of the Netherlands said that the reason for his Delegation's proposal HOL/49/1 to modify No. 181 was that in the period after the Nice Conference the Union would be governed by a new structure of basic instruments - a more stable Constitution, supplemented by a Convention. Under the existing system, when a new Convention came into force every five to seven years, the latest edition of the Administrative Regulations was accepted by Members of the Union when ratifying or acceding to that new Convention; such practically automatic acceptance of all revisions of the Administrative Regulations as a by-product of ratification of or accession to the Convention meant that all Member States were bound by the same edition of the Administrative Regulations, even if they had not previously notified the Secretary-General of their approval of modifications to those Regulations. Under the future system, however, when the Constitution would have a more stable character, there would no longer be a periodic resynchronization and in order to avoid a confusing situation in which some Members would be bound by one set of Administrative Regulations and others by a different one, his Delegation had submitted a modified text of No. 181 which would allow for some degree of resynchronization.

2.13 The delegate of the United States said that the principle underlying his Delegation's proposal USA/257/1 was that States must indicate their consent to be bound without any ambiguity. The Administrative Regulations were totally or partially revised by action taken at administrative conferences, at the conclusion of which Final Acts were presented for signature: although the real meaning of such signature was not specified in the Nairobi Convention, the United States understood that meaning to be, under customary international law, that it undertook the obligation to refrain from acts which would defeat the object and purpose of the Final Acts - subject, of course, to any reservations made during the Conference.

The Nairobi Convention, like its predecessor, contained two provisions whereby States indicated their consent to be bound by the Administrative Regulations and modifications thereto. The first was No. 171, under which ratification of or accession to the Convention involved acceptance of the Administrative Regulations in force at the time of the ratification or accession: the importance of that provision was demonstrated by the fact that, as of 1 January 1989, some 90 Member States had indicated their consent to be bound by the 1979 Radio Regulations through their ratification of the Nairobi Convention. But that Convention also contained No. 172, providing that Members should inform the Secretary-General of their approval of any revision of the Regulations, and as of 1 January 1989, 32 Member States had indicated their acceptance of the 1979 Radio Regulations under that provision. Accordingly, under a combination of Nos. 171 and 172, nearly all the Members of the Union had expressed their consent to be bound by the 1979 Radio Regulations, but it must nevertheless be stressed that there were still a number of Members which had not done so, and in its bilateral relations with those States, the United States considered itself to be bound by the 1959 Radio Regulations and by those amendments to which the parties concerned had indicated their consent.

As the Union moved into a new era governed by a permanent basic instrument, the first step to be taken was to ensure that that instrument contained an unambiguous list of those Regulations whereby Members considered themselves to be bound by virtue of their ratification of or accession to the basic instrument. It would be seen that that aspect of the proposal allowed for the introduction of the term "International Telecommunication Regulations" to replace references to the former Telegraph and Telephone Regulations.

The United States also considered that account should be taken of possible delays in the domestic requirements of States indicating their consent to be bound by revisions of the Administrative Regulations under No. 171 of the Nairobi Convention. Indeed, not all countries might have completed the procedures required by their domestic law at the time when they would seek to deposit their instrument of ratification of the basic instrument. Proposal USA/257/2 expressed the view, contrary to that given in the Netherlands and Japanese proposals, that States should affirmatively express their consent to be bound by the Administrative Regulations. In particular, the Netherlands and Japanese proposals seemed to provide too short a time for all States to take domestic requirements into account before indicating their consent to be bound by international agreements.

Finally, although the United States proposals did not deal specifically with reservations, his Delegation considered that States should be allowed to make reservations at the time when they expressed their consent to be bound by the Regulations. That would be particularly important in the case of States which for some reason had not been in a position to sign the Final Acts of the administrative conference concerned, and had therefore taken no part in introducing the revisions contained therein.

2.14 The Chairman noted that there was support for proposals introduced.

The meeting rose at 1610 hours.

The Secretary

A. NOLL

The Chairman

H.H. SIBLESZ

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 321-E

26 June 1989

Original: French

PLENARY MEETING

SUMMARY RECORD

OF THE

FIFTEENTH PLENARY MEETING

Friday, 16 June 1989, at 1615 hrs

Chairman: Mr. J. GRENIER (France)

Subjects discussed:

Documents

- | | | |
|----|---|---|
| 1. | Report of the Chairman of Committee 7 on the options for the International Consultative Committees and deadline for candidacies for Directors of CCIR and CCITT, and date of election | - |
| 2. | Report of the Chairman of Committee 7 on the options for the IFRB and deadline for candidacies for members of the IFRB, and date of election | - |
| 3. | Third series of texts submitted by the Editorial Committee for first reading (B.3) | 280 |
| 4. | Fourth series of texts submitted by the Editorial Committee for first reading (B.4) | 290 |
| 5. | Fifth series of texts submitted by the Editorial Committee for first reading (B.5) | 302 |
| 6. | Premises at the seat of the Union | 39 |
| 7. | Minutes of the first, second, third, fourth, fifth, sixth, seventh and eighth Plenary Meetings | 122, 123, 134
135 + Corr.1,
136(Rev.2)
137, 163, 164 |
| 8. | Announcement of contributions | - |

1. Report of the Chairman of Committee 7 on the options for the International Consultative Committees and deadline for candidacies for Directors of CCIR and CCITT, and date of election

1.1 The Chairman of Committee 7 said that he would report only on the first part of the agenda item, namely "Report of the Chairman of Committee 7 on the options for the International Consultative Committees"; it was up to Committee 1 to propose the deadline for candidacies for the Directors of the CCIR and CCITT and the date of election.

At its eighteenth meeting, held that same morning, Committee 7 had decided to set up a Drafting Group to prepare a consolidated text concerning the working methods of the International Consultative Committees. The Drafting Group, which would be chaired by the delegate of Canada and would include several delegations, would be holding its first meeting in the afternoon of Saturday, 17 June.

The agenda of the eighteenth meeting included options for the CCIs (review of structures, working methods, etc.) and the impact on length of term of office for present elections. The delegates of the following countries had spoken and put forward proposals: Greece, Federal Republic of Germany, United Kingdom, India, Kenya, Saudi Arabia, Austria, Spain, Ethiopia, Burkina Faso and the United States. After those statements, the Committee had determined five main points: 1) the type of study and duration of the mandate; 2) the scope of the study and outline of the structure; 3) the time required to undertake the study; 4) appointment of a group to carry out the study, and 5) decision-making machinery.

A number of delegations had taken the floor, though unfortunately as time had been short no less than 34 delegations had remained on the list of speakers. The Chairman of Committee 7 had decided to allow each speaker only three minutes and thus hoped to achieve as much as possible at the meeting at 2000 hours.

He had also informed the members of Committee 7 that the consideration of elections had been included under items 1 and 2 of the agenda of the 15th Plenary Meeting. He asked the Chairman to be patient and said that he would do everything he could to complete the work as soon as possible.

1.2 The Chairman recalled that Committee 1 had decided to propose the following schedule to the Plenary Meeting: deadline for candidacies for Directors of the CCIR and the CCITT at 2000 hours on 19 June and date of the election at 0930 hours on 20 June. A decision should be taken immediately so that the administrations concerned could be given sufficient notice.

1.3 The delegate of Saudi Arabia, who had attended Committee 1, said that the dates chosen were provisional pending decisions by Committee 7 and then the Plenary Meeting. Although elections were undoubtedly important, there were other extremely important questions and he therefore proposed deferring the decision concerning the deadline for candidacies for the Directors of the CCIR and the CCITT and the date of election to another meeting.

1.4 The delegate of Brazil, endorsing the views of the delegate of Saudi Arabia, said he agreed that the decisions taken on elections by Committee 1 depended on the decisions taken by Committee 7. The elections for Directors of the CCIR and the CCITT and for Members of the IFRB were interlinked and the same principle applied to all.

In his view, the Plenary Meeting could not take a decision on items 1 and 2 on the agenda.

1.5 The delegate of India agreed entirely with the proposals of the delegates of Saudi Arabia and Brazil and proposed moving on to item 3 of the agenda.

1.6 The delegate of the USSR did not quite share the views of the preceding speakers. There did not seem to be much point in postponing the decision to another Plenary Meeting, since in fact the audience was the same in the Plenary Meeting as in Committee 7 and all the delegates were therefore well informed.

As time was short, he proposed adopting tentatively the dates mentioned by the Chairman. If Committee 7 was unable to reach a decision by the following Monday, the dates could be changed and the administrations concerned informed.

1.7 The delegates of the German Democratic Republic and Bulgaria supported the proposal of the delegate of the USSR.

1.8 The delegate of Iraq supported the proposal by the delegate of Saudi Arabia, endorsed by the delegate of Brazil, and, to allay the fears of the delegate of the USSR, proposed holding the next Plenary Meeting on Monday, 19 June.

1.9 The Chairman said that no Plenary Meeting could be held before Tuesday, 20 June.

1.10 The delegates of Kuwait, Qatar, Tanzania, Lebanon, United Arab Emirates, Colombia and Syria supported the proposal by the delegate of Saudi Arabia and the views expressed by the delegates of Brazil, India and Iraq.

1.11 The delegate of Byelorussia said that Committee 7 was holding up the work of other committees and that it had been using a considerable share of the facilities made available to the Conference, such as rooms, interpretation, etc. Committee 7 should therefore speed up its work so that decisions could be taken in the Plenary Meeting.

1.12 The Chairman said that he understood that a great majority of delegations were in favour of deferring the decision concerning the deadline for candidacies for Directors of the CCIR and CCITT and the date of the election.

He therefore asked the delegate of the USSR and those delegations which had supported the latter to agree to postponing a decision on those items of the agenda.

1.13 The delegate of the USSR said that he did not wish to hold up the work of the Conference and would not insist on his proposal. He regretted it, however, since if the decisions were not taken at once, the elections could not be held until the last week of the Conference.

1.14 The delegate of Saudi Arabia thanked the Chairman for his understanding and the delegations which had supported his proposal. His country had no intention of delaying the proceedings, but as the required decisions had not been taken, it was not possible to arrange the deadline for candidacies or the election date.

2. Report of the Chairman of Committee 7 on the options for the IFRB and deadline for candidacies for members of the IFRB, and date of election

2.1 The Chairman proposed that, since item 2 of the agenda covered the same question for members of the IFRB, the meeting could move on to item 3 of the agenda.

It was so decided.

3. Third series of texts submitted by the Editorial Committee for first reading (B.3) (Document 280)

3.1 The Chairman said that it would be preferable to consider the text concerning Article 1 of the Constitution and the text concerning Article 38 on ratification together. Since the latter text had not yet been distributed, he proposed postponing consideration of Article 1.

It was so decided.

4. Fourth series of texts submitted by the Editorial Committee for first reading (B.4) (Document 290)

4.1 The Chairman of the Editorial Committee recalled that texts previously submitted to Plenary Meetings had included indications in the margin (NOC, MOD, ADD and SUP) showing how the text was related to the previous Convention. On account of the division of the text of the Nairobi Convention into a Constitution and a Convention, however, the same rules could no longer be applied. As the conclusions of the Group of Experts had been transmitted to all administrations in Documents A and B, it was proposed that the indications in the margins would show the state of texts submitted in relation to those two drafts. With that explanation, the text of Article 36 of the Draft Constitution on the Instruments of the Union was submitted for the approval of the Plenary Meeting.

Article 36

4.2 The Secretary-General asked the Chairman of Committee 9 to explain the reference to the Telegraph and Telephone Regulations, in view of the fact that those Regulations would be replaced on 1 July 1990 by the International Telecommunication Regulations. As legal instruments of the Union, the former Regulations would have been replaced before the new Constitution came into effect.

4.3 The Chairman of Committee 9 said that the footnote relating to the passage in square brackets concerning the Administrative Regulations (No. 167) mentioned that Article 40 was still under consideration. By the time the new Constitution came into effect, Article 36 would probably refer to the Melbourne Regulations. Committee 9 had thought that a firm decision should be taken, however, on that point only after Article 40 had been given consideration.

Article 36 of the Draft Constitution was approved on that understanding.

Article 37 of the draft Constitution

Article 37 of the draft Constitution was approved.

The fourth series of texts submitted by the Editorial Committee was approved on first reading.

5. Fifth series of texts submitted by the Editorial Committee for first reading (B.5) (Document 302)

Resolution No. COM4/5

5.1 The delegate of Lebanon, speaking as Chairman of Committee 4, queried the last sentence of the "considering" paragraph, relating to the ITU's responsibility within the framework of its relationship with UNDP. He thought that the text should say: "as partner of the UNDP".

5.2 The Chairman of the Drafting Committee said that the sentence had been discussed at length in the Editorial Committee in order to arrive at a satisfactory rendering in all three languages. He would be prepared to reconsider the wording, however, if necessary.

5.3 The Secretary-General said that it was essential to mention the partnership relation with the UNDP. It had been included in all the texts until then and had disappeared from the draft under consideration. He proposed a slight amendment to the text introducing a reference to the partnership with the UNDP.

Resolution No. COM4/4 was approved, subject to the amendment proposed by the Secretary-General.

Resolution No. COM4/5

5.4 The delegate of the Federal Republic of Germany recalled that it had been agreed to add section 8 of Resolution No. 53 to the text, to the effect that the Resolution could not under any circumstances be invoked as a precedent, together with a paragraph in which the Conference instructed the Secretary-General to negotiate with the competent authorities of all countries and, in line with paragraph 2 of "instructs the Secretary-General", to report annually to the Administrative Council on the progress made by those countries towards repaying their debts.

5.5 The Secretary-General confirmed that those points should be added to the text before it was submitted for second reading.

It was so decided.

Resolution No. COM4/5 thus amended was approved.

The fifth series of texts submitted by the Editorial Committee was approved on first reading.

6. Premises at the seat of the Union (Document 39)

6.1 The Deputy Secretary-General recalled that, to meet the Union's long-term requirements for office space, the Nairobi Plenipotentiary Conference had considered the possibility of constructing premises in Geneva; it had instructed the Secretary-General to carry out a study on the subject and had asked the Administrative Council to take the necessary decisions. At its 39th Session, the Council had adopted measures which had resulted in the construction of extensions A, B and C, which were inaugurated on 17 May last. At the same session, it had been proposed that long-term measures should be reconsidered at the Nice Conference. Thanks to the construction work carried out, staff had been transferred from rented outside premises to Union premises at Headquarters. Nevertheless, the ITU still had to rent about 500 m² of outside office space. To obviate the need for constant short-term measures, a long-term solution had been studied and had been submitted to the Plenary in Document 39. The document proposed the construction of a building on the last remaining plot of land in the rue Varembe, which would meet ITU requirements over the next 20 years on the assumption of a 1% increase in staff. Any unused space could be rented to third parties, in line with the practice of other organizations in Geneva and elsewhere in Switzerland. The new premises would be 30% to 50% cheaper than rented outside premises and the proposal could be adopted independently of the increase in staff, even on the assumption of zero growth. The ITU would only start paying back the loan after work had been completed, i.e. not before 1996 or 1997. A new building was therefore the best solution and the Conference was asked to take a decision along those lines. The various alternatives were given in Document 39.

6.2 The delegate of Mexico said that the construction of the new building was the cheapest solution and he therefore supported it. It had to borne in mind however that the staff growth rate would only be known at the end of the Conference. More precise information would be required before a decision could be taken but he was in favour of the idea of a new building.

6.3 The delegate of Switzerland said it was always better for an organization like the ITU to have its own premises. It was the cheapest method and moreover the plot of land in the rue Varembe was the last plot available near Union Headquarters. If a decision were put off, there was a danger that a building would have to be constructed later on far away from the main buildings. He proposed that the Conference should ask the Administrative Council to take the necessary measures to study the construction project; if necessary, the Council could consult Members on the problem in between two Plenipotentiary Conferences. The Secretariat should therefore submit a draft Resolution on the subject to the Conference.

6.4 The Chairman of Committee 4 supported the views put forward by the Deputy Secretary-General and the delegate of Switzerland and agreed that a Resolution should be adopted by the Conference.

6.5 The delegate of the Federal Republic of Germany drew attention to section 3 c) of Document 288, which stated that a 1% growth had not been approved and that Committee 5 had not yet been able to take a decision on the matter. The situation was therefore similar to the situation which had been obtained in Nairobi: proposals had been submitted to the Administrative Council, which had taken a decision on the question of enlarging the premises. It was clear from page 9 of Document 39 that there was only one plot left for a building adjoining the present premises. It would be better to build in excess of requirements and to rent out any space which the ITU did not need. Financing conditions should also be closely studied. He hoped that the Administrative Council would be able to take a decision on the subject without having to wait for the next Plenipotentiary Conference.

6.6 The delegate of the United Kingdom agreed that the Conference should adopt a suitable Resolution so that the Administrative Council could take a decision after considering all options including the possibility of private sector financing.

6.7 The delegate of the United States, agreeing with the preceding speaker on the many considerations to be taken into account, and the delegate of Japan, agreeing with the views expressed by the delegate of the Federal Republic of Germany, emphasized that office space requirements would to a certain extent be determined by the growth rate of ITU staff. Nevertheless, they were also in favour of a Plenipotentiary Conference Resolution instructing the Administrative Council to adopt the necessary measures.

6.8 The delegate of Romania emphasized that the most rational solution had to be found to the problem of ITU premises after all possible options had been considered and the opinion of the Members of the Union had been sought.

6.9 The Secretary-General, referring to Resolution No. 63 of the Nairobi Conference (Premises at the Seat of the Union), said that the procedure was for the Plenipotentiary Conference to authorize the Administrative Council to take a decision. As things stood, the construction of a new building was in the long term the cheapest and the most reliable way of meeting the requirements of the Union, because of the special advantages enjoyed by the ITU (land made available free of charge, extremely advantageous loans, turnover tax refund on the cost of construction, exemption from land taxes, the avoidance of operational costs associated with widely dispersed buildings). Moreover, FIPOI intended to enlarge the underground car park, keeping the basement for its own use, and it would therefore be the co-user of the building. The

land next to the Varembe building was the last plot available near ITU premises at Headquarters. The Conference should therefore signify its agreement in principle to the Swiss authorities and draw up a draft Resolution giving the necessary instructions to the Administrative Council. It should be remembered that in the implementation of Resolution No. 63 of the Nairobi Conference a long-term plan had been converted to begin with into a short-term and a medium-term plan.

6.10 In reply to a question by the delegate of France, the Deputy Secretary-General said that a decision should be taken at the present Conference since the option could not in any event be left pending for years as there were others interested in taking it up.

6.11 The delegate of Senegal, said that a solution should be arrived at without delay; he supported the construction of the new building and consequently the drafting of a Resolution on the subject.

6.12 The delegates of Algeria, Italy and Tanzania considered that the Swiss proposal offered the most rational and the cheapest long-term solution and supported the idea of a draft Resolution giving the Administrative Council the necessary instructions.

6.13 The Chairman asked the Secretary-General to prepare a draft Resolution which would be considered at a forthcoming Plenary Meeting.

It was so decided.

7. Approval of the minutes of the first, second, third, fourth, fifth, sixth, seventh and eighth Plenary Meetings (Documents 122, 123, 134, 135 + Corr.1, 136(Rev.2), 137, 163, 164)

The minutes of the first, second, sixth, seventh and eighth Plenary Meetings (Documents 122, 123, 137, 163 and 164) were approved.

The minutes of the third, fourth and fifth Plenary Meetings were approved as amended (see Corrigenda to Documents 134, 135 + Corr.1 and 136(Rev.2)).

8. Announcement of contribution

8.1 The delegate of the Republic of Korea said that, having considered the present financial situation of the Union and its future activities, the Government of the Republic of Korea had decided to contribute towards defraying Union expenditure in the 5-unit class as from 1990. He said his country wished to participate fully in all future activities of the Union.

8.2 The Chairman thanked the delegate of the Republic of Korea and took note of the decision which he had announced.

The meeting rose at 1825 hours.

The Secretary-General:

R.E. BUTLER

The Chairman:

J. GRENIER

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 322-E

24 June 1989

Original: English

COMMITTEE 8

SUMMARY RECORD

OF THE

FOURTEENTH MEETING OF COMMITTEE 8

(PURPOSES, RIGHTS AND OBLIGATIONS)

Friday, 16 June 1989, at 1940 hrs

Chairman: Mr. M.F. DANDATO (Zimbabwe)

Subjects discussed:

1. Article 4 of the draft Constitution
(Nos. 18-24) (continued)

Documents

A, DT/40
DL/20

1. Article 4 of the draft Constitution (Nos. 18-24) (continued)
(Documents A, DT/40, DL/20)

No. 18A

1.1 The Chairman invited the delegations of the proposing administrations to introduce the three proposals under No. 18A in Document DT/40 and indicated that there was also an implicit proposal for no change.

IND/124/1

1.2 The delegate of India withdrew his Administration's proposal, which had already been covered by other proposals now adopted.

ARG/115/7

1.3 The delegate of Argentina, supported by the delegates of Colombia and Mexico, explained that his Administration's proposal was to introduce a new sub-paragraph into Article 4 so as to bring it into line with the new concept of interconnection and interoperability of telecommunication facilities adopted at the Melbourne Conference.

MRC/126/1

1.4 The delegate of Morocco, supported by the delegates of Saudi Arabia and Kuwait, said that his Administration considered it logical to include in the Constitution a mention of coordination, efficient use of and equitable access to the geostationary-satellite orbit, which was in fact already being carried out by the Union.

1.5 The delegate of the USSR, supported by the delegates of the Federal Republic of Germany and Kenya, recalled that the Committee had already rejected the use in the Constitution of the words "interconnection and interoperability" in connection with No. 15A (DL/19). He opposed the Argentine proposal. The delegate of Senegal considered that the purpose of the Argentine proposal was already covered by No. 24 of Article 4. The delegate of the United Kingdom also opposed the proposal, which was repetitious and went further than Article 1 of the Telecommunications Regulations adopted in Melbourne.

1.6 The delegate of Argentina refused the charge of repetitiousness. No. 15A pertained to the purposes of the Union whereas No. 18 related to ways of achieving those purposes.

1.7 The delegate of Indonesia said that he preferred no change to No. 18 but suggested that the Argentine proposal be incorporated in No. 21.

1.8 The delegate of the USSR had no objection to the content of the Moroccan proposal but found it repetitious repetition since No. 153 in Article 29 already dealt with the efficient use of the radio frequencies and geostationary orbit. The delegate of Kenya said that although it was true that an element of the Moroccan proposal was to be found in No. 153, that provision was addressed to Members of the Union whereas the Moroccan proposal was to include efficient use of the GSO as a purpose of the Union. He therefore supported that proposal. The delegate of the United Kingdom said that the Moroccan proposal duplicated the content of Article 9 and was therefore superfluous.

1.9 The delegate of Algeria, supported by the delegate of Zimbabwe, considered the Moroccan proposal was not repetitious but merely completed No. 18, which at present contained no mention of the use of the GSO, which ought to be among the purposes of the Union.

1.10 The delegate of Sweden pointed out that there were several proposals for modification under No. 19 which would meet part of the aim of the Moroccan proposal, the rest of which was covered by Article 29. He maintained his opposition to the inclusion of MRC/126/1 in No. 18A.

1.11 The delegates of Sweden, the United States, Canada and Japan were in favour of no change.

1.12 The Chairman said he assumed that the Committee was not in favour of adding the new provision No. 18A.

It was so agreed.

No. 19 (Article 4, paragraph 2 b))

1.13 The delegate of Sweden said that, after consultations with the cosponsors of modification DNK/FNL/ISL/NOR/S/70/1 and with the delegate of Greece, he could announce that all were now proposing the same form of words for No. 19 as Turkey (TUR/65/3) and the United Kingdom (G/82/1).

1.14 The Chairman asked if there was support for the Solomon Islands' proposal to modify No. 19 (SLM/17/8): there was no support for the proposal.

The Chairman said that apart from Turkey's proposal, there only remained the alternative proposals for modification from Brazil (B/58/7) and Paraguay (PRG/95/14), which were identical.

1.15 The delegate of India, opening the discussion of those proposals, suggested that it was preferable for the modification not to include the final phrase "for space radiocommunication services", so that all radio services using space techniques would be covered by No. 19.

1.16 The delegate of the United Kingdom said that the phrase had been included deliberately in order to avoid any possible ambiguity: it was hard to imagine any other service within the Union's field of competence using the GSO.

1.17 The delegate of Brazil said that he had no objection to the phrase being added to his Administration's modification, thus making all the proposals identical.

1.18 The delegate of the Federal Republic of Germany, responding to a request for information from the delegate of Mexico, said that there was a definition of space radiocommunication services in Article 1, 1.7 (No. 9) of the Radio Regulations.

1.19 The representative of the IFRB pointed out that there was a further relevant reference in No. 22 of the Radio Regulations.

1.20 The delegates of the Netherlands, Sweden, the Federal Republic of Germany, Saudi Arabia, France, New Zealand, the Islamic Republic of Iran, Mali and Niger supported the modification proposed by Turkey.

1.21 The delegate of Kuwait, also supporting Turkey's proposal, withdrew his Administration's proposed modification to No. 21 as no longer necessary.

1.22 The delegate of Algeria said that he would favour no change in No. 19 unless the Committee added a reference to the GSO in No. 18.

1.23 The Chairman, summing up the discussion, said that if there was no objection he would take it that the Committee agreed to accept the modification proposed by Turkey.

No. 19 was approved as modified by proposal TUR/65/3.

No. 19A

1.24 The Chairman recalled that the Committee had previously agreed to include the modification proposed by Argentina to No. 14 (Article 4, paragraph 1 a)) after No. 19. The relevant passage read: "facilitate the world-wide standardization of telecommunications, with a satisfactory Quality of Service". If there was no objection, that would be added as No. 19A.

It was so agreed.

No. 20 (Article 4, paragraph 2 c))

1.25 The Chairman asked if there was support for the Solomon Islands' proposal to modify No. 20 (SLM/17/9); there was support for the proposal.

No. 20 was approved without change.

No. 21 (Article 4, paragraph 2 d))

1.26 The delegate of Kenya, introducing his Administration's proposal to modify No. 21 (KEN/86/2), corrected its first phrase to read: "coordinate efforts to harmonize the development of telecommunication facilities". The intention was to strengthen the wording of No. 21 and align it with that of No. 16.

1.27 The delegate of Kuwait recalled that he had withdrawn his Administration's alternative proposal to modify No. 21 when the sense of that modification was incorporated in Kenya and Turkey's modifications to Nos. 18 and 19.

1.28 The delegates of Australia, the Netherlands, Saudi Arabia, the United States, Sweden and Japan supported the Kenyan modification.

No. 21 was approved as modified by the delegate of Kenya.

No. 22 (Article 4, paragraph 2 e))

1.29 The Chairman asked if there was support for the Solomon Islands' proposal to modify No. 22 (SLM/17/34); there was no support for the proposal.

1.30 The delegate of Argentina, introducing his Administration's proposed modification, said that its aims were to specify that the financial administration of telecommunications on a sound basis required an equitable apportionment of revenues and their use to promote the development of telecommunications.

There was no support for the proposed modification of the Delegation of Argentina.

No. 22 was approved without change.

No. 23 (Article 4, paragraph 2 f))

No. 23 was approved without change.

No. 24 (Article 4, paragraph 2 g))

1.31 The delegate of Colombia introduced his Administration's proposal to include the making of treaties and agreements among the other activities specified as being undertaken by the ITU. Among the reasons for so doing were the facts that the Union was already performing those functions and they were not covered by the Draft Constitution or Convention.

1.32 The delegate of the United States opposed the proposed modification on the grounds that it meant giving an international organization powers that were normally exercised only by sovereign nations. The delegate of the USSR fully supported that view and added that No. 46 (Article 6, paragraph 2 k)) covered the Union's powers to make agreements. Such agreements were secondary to the Union's purposes with which Article 4 was concerned. The delegates of New Zealand, the United Kingdom, Austria and Czechoslovakia also opposed the proposed modification.

1.33 The delegate of Sweden pointed out that it was not the ITU but its Member nations that made the treaties and agreements to which the delegate of Colombia had referred.

1.34 The delegate of Colombia withdrew his Administration's proposal.

No. 24 was approved without change.

No. 24A

1.35 The delegate of Colombia said that the purpose of his Administration's proposal to add a further sub-paragraph to Article 4, paragraph 2, was to promote a practical solution to the communications problems of the most isolated areas in countries. Many delegations had referred in Committee 6 to the need for ways of tackling those problems and the proposal aimed to meet that need without imposing any burden on the Union's budget.

1.36 The delegates of Algeria, Mexico, Venezuela, Argentina, Indonesia, Mali and Guinea supported the Colombian proposal.

1.37 The delegate of Sweden said that he had no objection to the aim of the proposal, but he did question its form and location. Article 4 was supposed to be general in nature. If such a specific point was included, the general effect would be lost and other similar problems would need to be added if they were not to be considered less important. The delegate of the Federal Republic of Germany endorsed that view of the previous speaker. The delegate of the United Kingdom agreed that the proposal was too detailed and specific to be included in Article 4. But he supported its aim, which could be promoted by its inclusion in a suitable Resolution linking it with other such proposals being discussed in Committee 6. The delegate of the United States, echoing the views of the previous speakers, agreed that the aim of the proposal should be covered by a Resolution and not be limited to extending the telephone service alone to the most isolated areas in countries.

1.38 The Chairman said that there was general support for the aim of the proposal but, in view of the objections to its inclusion in Article 4, he suggested that Committee 6 be asked to consider where it should be placed.

1.39 The delegate of Colombia objected that the proposal would not be out of place in Article 4 and insisted that it be incorporated in that Article.

1.40 The delegates of Sweden and the Netherlands endorsed the Chairman's suggestion to transmit the proposal to Committee 6 for placing, as a way of seeking consensus.

1.41 The delegate of Venezuela suggested that consensus might be promoted by amending the proposal to make it refer to "social projects aimed at incorporating the most isolated areas in countries in the development of telecommunications". The delegate of Colombia accepted that amendment.

1.42 The Chairman said that Colombia's proposal clearly enjoyed majority support and the Committee had therefore decided to add No. 24A as proposed.

1.43 The delegate of Brazil, describing the Chairman's declaration of a decision as precipitate, said that he had wished to express support for the proposal as amended by the delegate of Venezuela and for its inclusion as No. 24A.

1.44 The delegate of the United States, speaking on a point of order, said that since the delegate of Colombia had accepted the amendment suggested by the delegate of Venezuela, he had assumed that the proposal had been adopted as amended. He would prefer to have a consensus, if there was general support for the amendment. But it was not clear that that was the case, or whether there was any objection to the amendment from those who had supported the original proposal.

1.45 The delegate of Sweden said that although the proposal as amended no longer referred to the telephone service alone, it was still very specific and he would still refer it to be included in a Resolution prepared by Committee 6.

1.46 The delegates of Switzerland, Austria, the United States, Australia, the Federal Republic of Germany and France expressed support for the delegate of Sweden's point.

1.47 The delegate of Mexico, saying that he supported the Colombian proposal as amended by the delegate of Venezuela, wondered if the discussion was being reopened.

1.48 The Chairman replied that it was not and that several delegations were opposed to the proposal as amended. He could only conclude that there was no general support for the amendment. The original proposal therefore still stood and could be considered as adopted as No. 24A.

The meeting rose at 2300 hours.

The Secretary:

D. SCHUSTER

The Chairman:

M.F. DANDATO

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 323-E

20 June 1989

Original: English

PLENARY MEETINGNote by the Chairman of Committee 7 (Structures)

Due to the specialised nature of the subject matter and the heavy workload of Committee 7, the following documents and proposals which relate to the **information systems and the reciprocal exchange of information through the ITU** are being referred back to Plenary for appropriate treatment.

<u>Source</u>	<u>Doc</u>	<u>Prop</u>
URS	16	3
SG	25	-
SG	26	-
SG	27	-
SG	28	-
SG	42	-
CAN	72	28
G	82	16
KEN	86Rev.1	21
KEN	86Rev.1	22
SEN	93	2
D	108	1
D	108	22
GRC	110	15
MRC	127	1
MRC	127	2
MRC	127	3
BFA	194	2

A.VARGAS-ARAYA
Chairman of Committee 7

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 324-E

17 June 1989

Original: English

COMMITTEE 10

FIRST SERIES OF TEXTS FROM COMMITTEE 6 TO THE EDITORIAL COMMITTEE

Committee 6 has examined the draft Resolution contained in Proposal IND/124/6 + Corr.1, the text of which is submitted, as it stands in Corr.1 to Document 124, to the Editorial Committee for consideration and subsequent transmission to the Plenary.

Committee 6 has also examined draft Resolutions COM6/1 to COM6/14 as contained in Document DT/45 together with draft Resolution COM6/15, Document DT/50, and submits these also to the Editorial Committee for appropriate action.

Annex: 1

IND/124/6
ADD

DRAFT RESOLUTION

**Apportionment of Revenues in Providing
International Telecommunication Services**

The Plenipotentiary Conference of the International Telecommunication Union,
(Nice, 1989),

considering

a) the importance of telecommunications for the social and economic development of all countries;

b) that the International Telecommunication Union has an important role to play in promoting the universal development of telecommunications;

c) that the Independent Commission for world-wide Telecommunications Development, in its report "The Missing Link", recommended, inter alia, that Members States of the ITU consider setting aside a small portion of revenues from calls between developing and industrialized countries to be devoted to telecommunications in developing countries;

d) that CCITT Recommendation D.150, which provides for the apportionment of accounting revenues on international traffic between terminal countries, in principle on a 50/50 basis, was amended at the VIIIth CCITT Plenary Assembly, as confirmed at the IXth Plenary Assembly, to provide for sharing in a different proportion in some cases where there are differences in the costs of providing and operating telecommunication services;

e) that the ITU, to assist administrations and as a follow-up of the Recommendation in "The Missing Link" carried out a study of the costs of providing and operating telecommunications services between developing and industrialized countries;

f) that in accordance with instructions contained in Resolution No. PL/3 of the World Administrative Telephone and Telegraph Conference, Melbourne, 1988, the Secretary-General has taken action to continue the said study;

g) that as indicated in his report (Document 106), the study is being progressed in accordance with the conclusions reached at a meeting of administrations specially convened by him to facilitate exchange of views on the matter;

h) that the study is programmed to be completed before the middle of 1990,

resolves

that, should such studies lead to the application in particular cases of accounting rates other than on a 50/50 basis, the developing countries concerned should be able to utilize the resulting additional revenues towards improvement of their telecommunications, including, if necessary, and insofar as possible, assistance to the Centre for Telecommunications Development;

invites administrations

a) to extend full cooperation to the Secretary-General in carrying out and completing the study;

b) to consider, in the light of the findings of the study, taking such action as may be deemed appropriate and, if necessary, to request the Secretary-General for any assistance in this regard;

instructs the Secretary-General

a) to circulate the report of the study, on completion, to all Member administrations;

b) to extend any further assistance to administrations, if so requested.

(Res. 34)
(Nairobi)

DRAFT RESOLUTION No. COM6/1

The Role of the International Telecommunication Union in the
Development of World Telecommunications

The Plenipotentiary Conference of the International Telecommunication Union
~~(Nairobi, 1982)~~, (Nice, 1989).

considering

a) the provisions of the International Telecommunication [Convention]
~~(Nairobi, 1982)~~ (Nice, 1989) together with those of the International Telephone
Telecommunication Regulations, (Melbourne, 1988), ~~the Telegraph Regulations~~ and the
Radio Regulations annexed thereto;

b) the recommendations of the [CCIR and of the CCITT;]

considering also

c) that together these instruments are essential to provide the technical
foundations for the planning and provision of telecommunication services throughout the
world;

d) that the pace of ~~technical~~ development of technology and services
necessitates the continuing cooperation of all administrations and private operating
agencies to ensure the world-wide compatibility of telecommunications;

e) that the availability of modern telecommunications is vital to the
economic, social and cultural progress of all countries;

recognizing

the interests of the United Nations Educational, Scientific and Cultural
Organization (UNESCO), the International Civil Aviation Organization (ICAO), the
International Maritime Organization (IMO), the International Organization for
Standardization (ISO), the International Electrotechnical Commission (IEC) [the General
Agreement on Tariffs and Trade (GATT)] and other specialized agencies in certain
aspects of telecommunications;

~~accordingly~~ resolves that the International Telecommunication Union should

1. continue to work for the harmonization, development and enhancement of
telecommunications throughout the world;

2. ensure that all its work reflects the position of the ITU as the authority
responsible within the United Nations family for establishing in a timely manner
technical and operational standards for all forms of telecommunication and for
effecting the rational use of the radio frequency spectrum and of the geostationary-
satellite orbit;

3. encourage and promote technical cooperation in the field of
telecommunications among Members to the maximum possible extent.

(Res. 17)
(Nairobi)

DRAFT RESOLUTION No. COM6/2

Inter-Country Projects Financed by the United Nations Development
Programme (UNDP) in the Field of Telecommunications

The Plenipotentiary Conference of the International Telecommunication Union
~~(Nairobi, 1982)~~ (Nice, 1989).

having noted

the Report of the Administrative Council on the technical cooperation activities of the Union (Document No. 47) and the note of the Secretary-General on "the changing nature of ITU technical cooperation and related field activities" (Document No. 33).

emphasizing

that, ~~to a large extent,~~ telecommunication services are a basic service for any country and to a large extent are also of an inter-country nature needing the same degree of sophistication in regard to technical facilities and to staff training in all countries to achieve successful operation of international ~~circuits and for the management of the radio frequency spectrum;~~ telecommunication services and for the management of the radio frequency spectrum;

recognizing

that in many of the developing countries the national resources in respect of equipment, operational arrangements and national staff ~~are not yet of a sufficiently high~~ continue to be inadequate ~~standard~~ to ensure telecommunication services of an acceptable quality and at reasonable rates;

~~expressing the opinion~~

~~a) that a certain amount of well functioning telecommunication installations for domestic and international services is a basic requirement for any country, irrespective of its stage of technical and economic advancement; and~~

recognizing also

a) the importance of regional telecommunication cooperation, and the necessity to maximize it in order to foster in particular telecommunication development so as to facilitate and speed up development in other sectors as emphasized by the Missing Link Report;

b) that the UNDP and particularly its inter-country programme is a one of the valuable means of assisting the developing countries to improve their telecommunication services;

expressing its appreciation

of the consideration given to this matter in certain regions by the UNDP in making available to the ITU allocations for inter-country projects of technical cooperation to developing countries, noting however that these allocations do not adequately meet some regions' aspirations;

resolves to invite the UNDP

with a view to ~~increasing the~~ strengthening technical cooperation in the telecommunication sector and thereby contributing significantly to an accelerated pace of integration and development, to consider favourably ~~on a~~ a sufficient increase of the allocations to inter-country projects of assistance and to sectoral support activities in this sector;

invites Member ~~administrations~~ Governments

~~to inform the governmental authority responsible for coordinating external aid to their countries of the contents of this Resolution and to stress the importance the Conference attaches to it;~~

to pursue this matter appropriately with a view to fulfilling the objective of this Resolution;

invites those Members which are also Members of the Governing Council of the UNDP

~~to take account~~ to make possible favourable consideration of this Resolution in that Council.

(Res. 25)
(Nairobi)

DRAFT RESOLUTION No. COM6/3

**Application of Science and Telecommunication Technology in the
Interest of Developing Countries**

The Plenipotentiary Conference of the International Telecommunication Union
~~(Nairobi, 1982)~~ (Nice, 1989),

in view of

the provisions of various resolutions adopted by the Economic and Social Council
and by the General Assembly of the United Nations for the purpose of expediting the
application of science and technology in the interest of developing countries,

considering

that the International Telecommunication Union should, in its own field,
associate itself in every way possible with efforts being thus undertaken by the
organizations of the United Nations family,

having noted

the separate report of the Administrative Council (Document No. ~~46~~ 47) on the
action taken in application of Resolution No. ~~18~~ 25 of the Plenipotentiary Conference
~~(Malaga-Torremolinos, 1973)~~ (Nairobi, 1982),

instructs the Administrative Council

to take the necessary measures, within the limit of the available resources, to
ensure that the Union:

1. cooperates to the greatest extent possible with the appropriate organs of
the United Nations;
2. contributes to the greatest extent possible to expediting the transfer to,
and assimilation in, the developing countries of the scientific knowledge and
technological ~~experience~~ expertise in telecommunication, which are available in
technically more advanced countries, by the publication of appropriate handbooks and
other documents;
3. bears this Resolution in mind in its technical cooperation activities in
general.

(Res. 31)
(Nairobi)

DRAFT RESOLUTION No. COM6/4

Training of Refugees

The Plenipotentiary Conference of the International Telecommunication Union
~~(Nairobi, 1982)~~, (Nice, 1989).

having noted

a) United Nations General Assembly Resolution 36/68 on the implementation of the declaration on the granting of independence to colonial countries and peoples and other resolutions relevant to assistance to refugees,

~~b) Administrative Council Resolutions No. 659 and No. 708;~~

~~c) the separate report of the Administrative Council on Implementation of Resolutions, etc. relating to the Technical Cooperation Activities of the Union (Document No. 46);~~

b) the report of the Administrative Council on the action taken in application of Resolution No. 31 of the Plenipotentiary Conference (Nairobi, 1982);

considering

~~the action taken to implement Resolution No. 24 of the Plenipotentiary Conference (Malaga-Torremolinos, 1973);~~

requests the Secretary-General

1. to continue his efforts with a view to the application of the United Nations Resolution;

2. to collaborate fully with the organizations concerned with the training of refugees, both within and outside the United Nations system;

invites administrations of Member countries

to do even more to receive certain selected refugees and to arrange for their training in telecommunications in professional centres or schools.

(Res. 35)
(Nairobi)

DRAFT RESOLUTION No. COM6/5

International Programme for the Development of Communications

The Plenipotentiary Conference of the International Telecommunication Union
~~(Nairobi, 1982)~~ (Nice, 1989),

recalling

a) the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10 December 1948;

b) Resolutions 31/139 and 33/115 adopted by the United Nations General Assembly on 16 December 1976 and on 18 December 1978, respectively;

c) the recommendations of the Intergovernmental Conference for Cooperation Activities, Needs and Programmes for Communication Development (Paris, April 1980), and in particular Recommendation viii) of part III of the report of this Conference;

d) Resolution No. 4.21 of the 21st Session of the United Nations Educational, Scientific and Cultural Organization (UNESCO) General Conference (Belgrade, 1980), establishing the International Programme for the Development of Communications (IPDC),

~~having noted~~

~~the report submitted by the Secretary General (Document No. 54) at the request of the Administrative Council for consideration by the Plenipotentiary Conference with a view to establishing appropriate policy guidelines for the Union's participation in the activities in the International Programme for the Development of Communication (IPDC);~~

recognizing

a) the importance of the cooperation between the Union and UNESCO for the effective development of the IPDC activities;

b) the good results being achieved through the ITU/IPDC joint efforts concerning the development of Broadcasting in Africa;

~~b)c)~~ the importance of providing adequate telecommunication infrastructure to meet the objectives of ~~such a programme~~ the IPDC;

~~c)d)~~ the necessity of maintaining continuous liaison between the Union and the various UNESCO units involved in the work of the IPDC,

reaffirming

the primordial role played in the field of telecommunications within the United Nations system by the Union, which is the main international forum for the consideration and promotion of international cooperation for the improvement and rational use of telecommunications of all kinds,

approves

the measures taken by the ~~Administrative Council~~ Secretary General for the enhancement of the ~~cooperation between the Union and UNESCO~~, participation of the Union in the work of the IPDC through the Special Voluntary Programme:

resolves

that the Administrative Council and the Secretary-General shall ~~take appropriate measures for maintaining and supporting~~ maintain and support the Union's participation in the IPDC, including its Intergovernmental Council, this participation also being directly related to the Union's activities in rendering technical assistance to developing countries;

requests

member countries of UNESCO to make available greater resources for the telecommunication components of IPDC projects contributing to the development of all communications facilities, set up to improve the quality of life in the developing countries:

instructs the Secretary-General

1. to report to the Administrative Council on the development of these activities;

2. to bring this Resolution to the attention of the United Nations General Assembly, to the Intergovernmental Council of the IPDC and to the Director General of UNESCO;

instructs the Administrative Council

to study the reports submitted by the Secretary-General and to take appropriate action to assure technical support by ITU to the work of the IPDC by including in the annual budget of the Union appropriate credits for maintaining liaison with the Intergovernmental Council, the Secretariat of IPDC and the UNESCO units involved in the work of IPDC.

(Res. 23)
(Nairobi)

DRAFT RESOLUTION No. COM6/6

Recruitment of Experts for Technical Cooperation Projects

The Plenipotentiary Conference of the International Telecommunication Union
~~(Nairobi, 1982)~~ (Nice, 1989),

considering

a) the importance of recruiting highly qualified and experienced experts for the successful conduct of the Union's technical cooperation activities;

b) the increasing difficulties encountered in such recruitment, both quantitatively and qualitatively;

c) the growing demand for highly specialized expertise over short periods both in traditional and new services.

having noted

~~a) that in many countries which are the main sources of candidates for expert posts, the age of retirement is being steadily lowered while the health of the population improves;~~

~~b)~~ a) that the Union's needs for well qualified experts and the conditions of their recruitment are not adequately ~~known in~~ disseminated within the countries which are in a position to make available such experts;

~~c)~~ b) the separate report by the Administrative Council (Document No. ~~46~~ 47) in application of Resolution No. ~~22~~ 23 of the Plenipotentiary Conference ~~(Malaga-Torremolinos, 1973)~~ (Nairobi, 1982),

considering further

the great importance of strengthening technical cooperation among developing countries,

wishes to express

its gratitude to the ~~administrations~~ Members which have provided experts from their countries for technical cooperation projects;

invites the Members of the Union

1. to ~~make every possible effort~~ increase their efforts to explore all sources of candidates for expert posts among the staffs, both active and retired, of administrations, recognized operating agencies, industry, universities, and training institutions and scientific and research bodies, etc. by giving the widest possible publicity to the information concerning vacancies and through direct contacts with these potential sources of expertise;

2. to facilitate to the maximum the secondment of the candidates chosen and their reintegration at the end of their mission so that their period of absence does not prove a handicap in their careers;

3. to continue to offer, free of charge, lecturers and the necessary services for seminars organized by the Union;

invites the developing countries Members of the Union

to take particular account of candidates presented by other developing countries provided they meet the requirements;

instructs the Secretary-General

1. to pay the greatest possible attention to the qualifications, experience and aptitudes of candidates for vacant expert posts when drawing up lists of experts for submission to beneficiary countries;

2. not to impose age limits on candidacies for expert posts but to make sure that candidates who have passed the retirement age fixed in the United Nations Common System are fit enough to perform the tasks listed in the vacancy notice;

3. to establish, ~~keep up to date and distribute a list~~ and disseminate on a monthly basis, a list of vacant ~~of expert posts in the different specialities which it is foreseen will have to be filled during the next few years to come, accompanied by which are to be filled during the forthcoming months and to provide~~ information on conditions of service;

4. to ~~establish and~~ continue to keep up to date ~~a~~ the register of potential candidates for expert posts with due emphasis on specialists for short-term missions; ~~this register will be sent to all Members on request;~~

5. to submit each year to the Administrative Council a report on the measures adopted in pursuance of this Resolution and on the evolution of the expert recruitment problem in general;

invites the Administrative Council

to follow with the greatest attention the question of expert recruitment and to adopt the measures it deems necessary to obtain the largest possible number of candidates for expert posts advertised by the Union for technical cooperation projects on behalf of the developing countries.

(Res. 22)
(Nairobi)

DRAFT RESOLUTION No. COM6/7

**Improvement of Union Facilities for Rendering
Technical Assistance and Advice to Developing Countries**

The Plenipotentiary Conference of the International Telecommunication Union ~~(Nairobi, 1982)~~ (Nice, 1989),

having taken note

of the separate reports of the Administrative Council on the implementation of resolutions etc., relating to ~~the~~ Technical Cooperation Activities of the Union (Document No. ~~46~~ 47) and on The Future Changing Nature of ITU Technical Cooperation ~~Activities~~ (Document No. ~~47~~ 33),

~~appreciative of~~ recognizing

the technical assistance rendered to developing countries in pursuance of Resolution No. ~~17~~ 22 of the Plenipotentiary Conference ~~(Malaga-Torremolinos, 1973)~~ (Nairobi, 1982),

considering

a) that the volume of the Union's technical assistance needs to be ~~further~~ increased and the quality further improved;

b) that in many cases the developing countries, and in particular the newly independent countries, need advice of a highly specialized nature and that such advice must often be obtained at short notice;

c) that technical knowledge and experience of great value to the developing countries is also obtainable from or through the [International Consultative Committees and ~~from~~ the International Frequency Registration Board (IFRB)],

resolves

~~1. that duties of the Group of Engineers of the Technical Cooperation Department shall be expanded to cover specialities such as switching, network planning, microwave and satellite communication, transmission, radio broadcasting, television and telecommunication power plants;~~

~~The~~ that the duties of the [Group of Engineers] will be:

- 1.1 to work with the specialized secretariats of the [International Consultative Committees and the IFRB] in providing information and advice on subjects of importance to developing countries for the planning, organization, and development and the operation of their telecommunication systems;

- 1.2 at Administrations' request, to prepare technical specifications for equipment, most commonly used;

- 1.23 to give prompt and constructive advice, either by correspondence or by mission, in response to practical questions addressed to it by developing countries, Members of the Union;
- 1.24 to provide an opportunity for expert and high-level consultation for senior personnel from developing countries visiting the seat of the Union;
- 1.45 to participate in seminars and courses organized at the seat of the Union or elsewhere on specialized aspects of telecommunication ~~problems~~ subjects;
- 1.6 to provide technical advice to the other divisions of the [Technical Cooperation Department] related to the activities of these divisions:

2. that highly qualified ~~specialists~~ experts shall be recruited, as needed, for periods ~~not~~ normally not exceeding one month at a time in order to complement the expertise provided by the Group of Engineers;

instructs the Secretary-General

to include in the annual reports to the Administrative Council:

~~1. to make a study of the volume and nature of requirements by developing countries for urgent advice of a highly specialized character;~~

~~2. to submit a report to the Administrative Council;~~

~~2.1~~ 1. indicating the specialities and the type of assistance required for from the Group of Engineers by the developing countries, taking into account the rapid technology changes mentioned in resolves 1;

~~2.2~~ 2. giving his appraisal of the volume and quality of the technical assistance provided and mentioning any difficulties encountered in meeting the these requests made by developing countries;

instructs the Administrative Council

1. to consider the Secretary-General's ~~report~~ annual reports and to take all necessary measures in order to meet the requests for the [Group of Engineers] services;

2. to include in the annual budget of the Union the credits necessary for the proper functioning of the [Group of Engineers] and a global amount to cover the estimated costs of the services of the short-term specialists mentioned in resolves 2;

3. to follow closely the development of the volume and quality as well as the type of ~~the~~ technical assistance provided by the Union in application of this Resolution.

(Res. 26)
(Nairobi)

DRAFT RESOLUTION No. COM6/8

ITU Regional Presence

The Plenipotentiary Conference of the International Telecommunication Union
~~(Nairobi, 1982)~~ (Nice, 1989),

recognizing

- a) the important role the ITU plays in the promotion and development of telecommunications networks and services in all Member countries;
- b) the contribution which the activities of the Union in the area of technical cooperation and assistance make towards the achievement of this objective in developing countries;
- c) the need for close and continuing contacts between the Union and all countries in the various geographical regions and the interactive benefits thereof;
- d) the ~~necessity~~ importance of responding adequately to the growing requirements of individual countries, sub-regions and regions in regard to information, advice and assistance in the realm of telecommunications;
- e) that in carrying out these activities, all the permanent organs would have to play ~~their~~ the appropriate role;
- f) that the Union's role as executing agency of the United Nations Development Programme is an essential component in the achievement of these objectives;
- g) that these objectives are already being furthered by ~~regional advisers and experts on behalf of the Union~~ Area and Senior Regional Representatives;
- h) that the pace of development of telecommunication services of the developing countries in various regions needs to be accelerated in future years,

considering

a) that the separate report of the Administrative Council on the "Future Changing Nature of ITU Technical Cooperation and Related Field Activities" (Document No. ~~47~~ 33) has highlighted the ~~importance of adopting measures to ensure a strengthened and more effective regional presence need~~ in view of the encouraging results obtained, to strengthen the Union's regional presence and to increase its effectiveness in order to enhance the assistance to developing countries for the expansion and improvement of their networks and services through better use of the Union's standards and regulations and other related actions;

b) the need for the Union to comply with United Nations guidelines concerning the regional presence of specialized agencies of the United Nations,

resolves

~~as a principle,~~ that a stronger presence of the Union is required in the regions to increase ~~the efficiency~~ its efficiency of its and enhance the assistance to Member countries and especially the developing ones;

instructs the Secretary-General

~~1. to carry out the necessary cost/benefit and organizational studies, including studies of the Technical Cooperation Department of the Union with the objective of achieving a strengthened regional presence which will be as economical as possible and at the same time improve the effectiveness of the Union's activities;~~

1. to carry out the necessary studies with the aim of strengthening the ITU regional presence in the light of various other relevant decisions of this Conference for implementing this Resolution;

2. to submit a report including recommendations to the ~~1983 session of the~~ Administrative Council as early as possible, ~~and not later than 1 March 1983;~~

instructs the Administrative Council

1. to consider the report of the Secretary-General;

2. to consult as necessary Member administrations ~~about its provisional~~ conclusions;

~~3. on the basis of these consultations, to take appropriate steps to implement the recommendations with due regard to the Union's budgetary constraints while taking into account the United Nations guidelines concerning the regional presence of specialized agencies;~~

3. to decide on further appropriate steps to give effect to the recommendations accepted or modified by it, with due regard to the Union's budgetary situation and taking into account the United Nations guidelines concerning the regional presence of specialized agencies;

4. to evaluate ~~continually~~ the efficiency of the ~~gradually-increasing~~ regional presence as part of its ~~ongoing management~~ annual review of the Union's activities;

5. to submit a report to the next Plenipotentiary Conference on the results achieved and difficulties encountered ~~in the implementation of this Resolution.~~

(New)

DRAFT RESOLUTION No. COM6/9

Regional [and World] Telecommunication Development Conferences

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

recalling

that one of the purposes of the Union is to coordinate efforts to harmonize the development of telecommunication facilities with a view to full advantage being taken of their possibilities,

considering

a) the need for balanced growth and global compatibility in the development of telecommunication facilities and services;

b) the need for periodic review of the progress in development of telecommunications at national and regional levels for the purpose of exchanging views and experience and for comparing the strategies for their future growth;

c) the need for evolution of new ideas for enhancing the integration and effectiveness of telecommunication networks;

d) the need for the involvement of, and coordination with, various interested regional and international agencies in achieving satisfactory development of this sector,

considering also

that all Member countries recognize the need to cooperate for the purpose of harmonizing the growth of regional and world-wide telecommunication networks so as to serve the best interests of mankind,

recognizing

the central role of improved telecommunications as an engine for socio-economic development,

having taken note of

the recommendations in the Missing Link Report for review by the developing countries of national development plans with a view to assigning a sufficiently high priority to investments on telecommunications; and the emphasis in the Report on regional cooperation and concerted endeavours for collective actions for achieving a progressively self-reliant development of telecommunications,

resolves that the International Telecommunication Union

shall convene regional [and world-wide] telecommunication development conferences at appropriate intervals to foster international cooperation in harmonizing and furthering the development of telecommunication facilities and services;

instructs the Secretary-General

to prepare detailed proposals, in consultation with the Member countries and other interested agencies, for convening one development conference in each region [and one on a world-wide basis,] in the interval between two Plenipotentiary Conferences and to make preparations for convening them;

instructs the Administrative Council

to establish the agenda for these Conferences and to make funds available within the regular budget for their implementation;

to review the results achieved and to take all steps necessary to assure the implementation of the recommendations emerging from these conferences;

requests

Member countries to extend every cooperation and assistance to the Secretary-General in the holding and conducting of the Conferences.

(Res. 29)
(Nairobi)

DRAFT RESOLUTION No. COM6/10

~~Training Standards for Telecommunication Staff~~

Standards for Human Resources Management/Development (HRM/HRD)

The Plenipotentiary Conference of the International Telecommunication Union
~~(Nairobi, 1982)~~ (Nice, 1989),

having examined

the question of the development of human resources for telecommunications and the training of telecommunication staff on the basis of the information provided in the relevant sections of the Report of the Administrative Council to the Plenipotentiary Conference (Document No. 65 47) and the ~~following separate reports: Implementation of Resolutions, etc. relating to the Technical Cooperation Activities of the Union (Document No. 46), The Future of ITU Technical Cooperation Activities (Document No. 47) and Review of the State of Telecommunications in the Least Developed Countries and Concrete Measures for Telecommunication Development (Document No. 48) as well as the UNDP/ITU CODEVTEL project (Document No. 175) report on The Changing Nature of ITU Technical Cooperation and Related Field Activities (Document No. 33),~~

expresses its satisfaction

with the results so far achieved in the realization of the objectives set out in Resolution No. 23 29 of the Plenipotentiary Conference ~~(Malaga-Terremolinos, 1973)~~
(Nairobi, 1982);

notes with appreciation

the support extended to the Union in the implementation of the above Resolution by its Members and by the United Nations Development Programme;

considering

that the rapid and effective ~~establishment of a connection and the maintenance of circuits require~~ introduction of new technologies into telecommunication systems requires:

- a) compatible equipment at both ends and at transit offices;
- b) equivalent technical/management training and appropriate linguistic fluency of technical and operational personnel,

considering also the importance of

- a) further improving the quality of training of telecommunication personnel;
- b) further improving the quality of human resources management in telecommunication organizations:

b) c) establishing and disseminating ~~training~~ HRM/HRD standards for the different categories of personnel involved in the construction, operation and maintenance of telecommunication equipment and systems;

e) d) the efficient coordination of training activities and course for management and development of telecommunication personnel at the national, regional and interregional levels ~~in the light of the experience gained from the CODEVTEL project,~~
convinced

of the importance of the development of human resources for telecommunications and of the need for technical and management training to enable developing countries to accelerate the introduction and application of appropriate technology.

instructs the Secretary-General

for the purpose of attaining the objectives listed under the considerations:

1. to continue to develop training standards, and to develop standards in other domains of human resources management, in particular:

- 1.1 by participating in research relating to ~~training~~ HRM/HRD (including training) conducted by United Nations specialized agencies and by other organizations;
- 1.2 by investigating the possibilities of utilizing modern training methodologies and new telecommunication technology technologies, especially in solving the ~~training~~ HRM/HRD problems of developing countries;
- 1.3 by holding ~~further~~ meetings of ~~the~~ working groups on ~~training~~ HRM/HRD standards;
- ~~1.4 by continuing to organize meetings of manufacturers and users of telecommunication equipment and to elaborate the guidelines for training provided by manufacturers;~~
- ~~1.5 by updating and improving the Training Development Guidelines, the ITU Reference Manual for Telecommunication Training Centres and the Sharing System Manual, taking into account the experience gained through their application;~~
- 1.4 by updating and improving all the guides and manuals prepared up to the present to improve training activities, and by developing new manuals and guides for the remainder of the activities involved in HRM/HRD, taking into account the experience gained through the application of the existing documents;

2. to promote task-oriented training, to advise administrations, on request, on the most suitable ~~training~~ methods for human resources management (including training) and to assist them in applying the methods recommended ~~training methods;~~

~~3. to contribute further to the training of staff responsible for telecommunication training (instructors, course developers and training managers) and to instruct ITU training experts in the use of current ITU training standards;~~

3. to contribute further to the training of staff responsible for management of human resources in telecommunications (managers of different human resources activities, instructors, course developers, etc.) and to instruct ITU human resources experts in the use of current ITU human resources standards;

4. to assist in the interregional coordination of ~~telecommunication training~~ HRM/HRD activities, in particular:

4.1 by cooperating with regional telecommunication organizations and with associated ~~training~~ organizations for human resources management and training;

4.2 by promoting the creation of regional or subregional ~~training and resource~~ or training centres and the use in these centres of ~~training the~~ methods and standards for HRM/HRD recommended by the ITU;

4.3 by facilitating the interchange of information and experience ~~of personnel management and the~~ on HRM/HRD (including management of training);

5. ~~to develop and maintain~~ continue developing and maintaining an international system for ~~the exchange of telecommunication training material and relevant information~~ sharing of resources pertaining to HRM/HRD (including training materials and equipment) and other relevant information, in order to facilitate horizontal cooperation between countries;

6. to continue to facilitate, within the framework of technical cooperation activities, the exchange of human resources managers, instructors, trainees, ~~technicians, and~~ training material ~~and personnel~~ between administrations;

7. to maintain up-to-date information on the results achieved by the ~~exchange~~ sharing system;

8. to propose to the Administrative Council the organizational and staffing arrangements needed to attain the objectives specified in this Resolution;

instructs the Administrative Council

1. to consider the recommendations submitted to it by the Secretary-General with a view to providing adequate means and credits to attain the objectives specified in this Resolution;

2. to review at its annual sessions the arrangements and their development and progress, and to take the necessary steps to ensure the attainment of the objectives of this Resolution;

convinced

~~of the importance of the development of human resources for telecommunications and of the need for technical training to enable developing countries to accelerate the introduction and application of appropriate technology;~~

invites

all Members of the Union to participate and assist to the greatest possible extent in the implementation of this Resolution ~~to the greatest possible extent~~.

(Res. 19)
(Nairobi)

DRAFT RESOLUTION No. COM6/11

Special Voluntary Programme for Technical Cooperation

The Plenipotentiary Conference of the International Telecommunication Union
~~(Nairobi, 1982)~~ (Nice, 1989),

recognizing

a) the ~~central~~ fundamental role of ~~improved~~ telecommunications in the achievement of balanced economic and social development;

b) the interest of all ~~telecommunication administrations and operating agencies in fostering the most rapid possible~~ Member countries in the expansion of world-wide networks based on well-developed national telecommunication networks,

and in particular

c) the need to bring all mankind within easy reach of a telephone by the early part of the next century and hence;

~~e)d~~ the requirement for specific technical assistance in many countries in order to improve the capacity and efficiency of their telecommunication equipment and networks, and thereby narrow the large gap between the developing and developed countries,

considering

~~that the funds within the regular budget for technical cooperation and assistance activities of the permanent organs of the ITU are not sufficient to cover the needs of the developing countries to improve their national networks;~~

that the needs of the developing countries for technical cooperation and assistance to improve their national networks cannot be fully satisfied by the funds allocated in the regular budget of the Union to this purpose nor by the insufficient allocation of funds from the United Nations Development Programme to Telecommunications Projects executed by the ITU.

considering also

that the Union can play a very useful catalytic role in identifying development projects and bringing them to the attention of bilateral and multilateral programme managers with a view to a better matching of resources to needs,

resolves

to ~~set up a~~ maintain and strengthen the special voluntary programme for technical cooperation based on contributions in currency, ~~training~~ expert services, or in any other form to meet as much of the telecommunication ~~needs~~ requests of developing countries as possible;

urges Member countries, their recognized private operating agencies, scientific or industrial organizations and other entities and organizations

~~in close collaboration with the Union, to make technical cooperation available in whatever form is required to meet the telecommunications needs of the developing countries more effectively;~~

to support the Special Voluntary Programme by making available the required resources in whatever form may be convenient to meet the telecommunications needs of the developing countries more effectively;

instructs the Secretary-General

1. to ~~take immediate steps to~~ ascertain the specific types of technical cooperation and assistance required by developing countries and suited to this special voluntary programme;
2. actively to seek wide support for the programme and regularly to publish the results for the information of all the Members of the Union;
3. within the existing resources ~~of the Technical Cooperation Department, to establish~~ provide the necessary administrative and operational regulations, management structure framework and procedures to administer and coordinate for the functioning of the programme;
4. to ~~take the necessary steps to~~ ensure proper integration of the programme with other technical cooperation and assistance activities;
5. to submit to the Administrative Council an annual report on the development and management of the programme;

instructs the Administrative Council

to review the results achieved by the programme and take all steps necessary to promote its continued success.

(Res. 27)
(Nairobi)

DRAFT RESOLUTION No. COM 6/12

Special Measures for the Least Developed Countries

The Plenipotentiary Conference of the International Telecommunication Union
~~(Nairobi, 1982)~~ (Nice, 1989),

considering

the United Nations General Assembly Resolution 36/194 of 17 December 1981, which adopted the "Substantial New Programme of Action for the 1980s for the Least Developed Countries" established by the United Nations Conference on the Least Developed Countries (Paris, September 1981) and the separate report (Document No ~~48~~ 47) by the Administrative Council in application of Resolution No. ~~19~~ 27 of the Plenipotentiary Conference ~~(Malaga-Torremolinos, 1973)~~ (Nairobi, 1982),

recognizing

the importance of telecommunications ~~in~~ for the development of the countries concerned,

instructs the Secretary-General

1. to continue to review the state of telecommunication services in the least developed countries identified by the United Nations and needing special measures for telecommunication development;

2. to report his findings to the Administrative Council;

3. to propose concrete measures ~~calculated~~ intended to bring about genuine improvements and provide effective assistance to these least developed countries from the Special Voluntary Programme for Technical Cooperation, the Union's own resources and other sources;

4. to report annually on the matter to the Administrative Council;

instructs the Administrative Council

1. to consider the above-mentioned reports and take appropriate action so that the Union may continue to display its active interest and cooperation in the development of telecommunication services in these countries;

2. to make appropriations for the purpose from the Special Voluntary Programme for Technical Cooperation, the Union's own resources and other sources;

3. to keep the situation under constant review and to report on the matter to the next Plenipotentiary Conference.

(Res. 30)
(Nairobi)

DRAFT RESOLUTION No. COM6/13

ITU Training Fellowship Programme

The Plenipotentiary Conference of the International Telecommunication Union
~~(Nairobi, 1982)~~ (Nice, 1989),

recognizing

that a similar level of technical competence throughout the world is important
for successful global communications,

considering

a) the importance ~~to~~ for technical cooperation activities, of providing
highly applicable programmes to recipients of ITU Fellowships;

b) the difficulties encountered in ensuring such applicability,

having noted that

a) fellowship requirements delineated in nomination forms may vary from
country to country for similar fields of training;

b) the cost of specialized programmes is frequently high and, consequently,
prohibitive to recipient countries having limited UNDP funds;

c) candidates sometimes have insufficient knowledge of an appropriate
language to derive maximum benefit from a training programme,

wishes to express

its gratitude to the administrations which have provided fellowship programmes
for technical cooperation projects;

urges donor/host countries

1. to make every ~~possible~~ effort to identify sources of training for ITU
Fellows in their administrations, industry and training institutions, by giving the
widest possible publicity to information concerning the needs of recipient countries;

2. to make every effort to provide programmes that address the needs of
recipient countries and to keep the Secretary-General apprised of programmes that are
available to meet these needs;

3. to continue to offer, at no cost or as little cost as possible to the
Union, the most applicable training to fellowship holders;

urges the recipient countries

1. to ensure that candidates have a working knowledge of the language in
which the programme will be conducted, it being understood that in some cases special
arrangements could be made with the donor/host country;

2. to endeavour to provide fellowship nominations well in advance of the time when the training is due to begin;

~~2-3.~~ to ensure that candidates are briefed on the duration and content of their fellowship programmes as conveyed by the host country to the ITU;

~~3-4.~~ to ensure that candidates have familiarized themselves with the "Administrative Guide for ITU Fellows";

~~4-5.~~ to ~~will~~ employ the Fellow upon return in the most appropriate manner so as to derive the maximum benefit from the training received;

instructs the Secretary-General

1. to pay the greatest possible attention to consolidating similar needs when submitting requests for fellowship programmes to host countries;

2. to continue to develop and publish information describing a set of standardized training requirements at appropriate skill levels that will meet the typical needs of developing countries;

~~3. to establish in accordance with specific technical cooperation projects a catalogue of associated fellowship requirements, based on estimates from recipient countries, which it is foreseen will have to be accommodated in the year to come; this catalogue will be available to all Members on request;~~

~~4-3.~~ to establish and keep up to date a ~~catalogue~~ data base of fellowship opportunities that are available in host countries in the year to come; this ~~catalogue~~ information will be available to Members on request;

~~5-4.~~ to submit requests for fellowship programmes to host countries as far as possible well in advance of the time frame required for the programme;

invites the Administrative Council

to follow with great attention the question of providing the most applicable training to ITU Fellows in the most cost-effective manner.

(Res. 28)
(Nairobi)

DRAFT RESOLUTION No. COM 6/14

Seminars

The Plenipotentiary Conference of the International Telecommunication Union
(~~Nairobi, 1982~~) (Nice, 1989),

recognizing

a) that for the staff of ~~telecommunication member~~ administrations, particularly ~~in the new or~~ developing countries members, seminars are a ~~very~~ valuable means of acquiring knowledge of the latest developments in telecommunication techniques and of comparing experience;

b) that this ITU activity should be continued and expanded,

having noted

the ~~separate~~ report of the Administrative Council (Document No. ~~46~~ 47) on ~~the~~ action taken in application of Resolution No. ~~25~~ 28 of the Plenipotentiary Conference (~~Malaga-Torremolinos, 1973~~) (Nairobi, 1982),

thanks administrations

which have already organized or which intend to organize seminars and which provide at their own expense qualified lecturers or discussion leaders for this purpose;

urges administrations

to continue and intensify their efforts in this direction in coordination with the Secretary-General;

instructs the Secretary-General

1. to coordinate the efforts of the Members of the Union which plan to organize seminars with a view to avoiding duplication and overlapping, paying particular attention to the languages used;

2. to ascertain and provide information on the subjects which should be dealt with by seminars;

3. to promote or to organize seminars within the limits of available funds;

4. constantly to improve the effectiveness of these seminars in the light of experience;

5. to make inter alia the following arrangements:

5.1 publish the preliminary and final documents of seminars and forward them in good time to the administrations and participants concerned by the most appropriate means;

5.2 take appropriate action following these seminars;

6. to submit an annual report to the Administrative Council and to make proposals to it with a view to ensuring the effective attainment of the objectives referred to above, bearing in mind the opinions expressed by the Conference and the available credits;

requests the Administrative Council

to take account of the recommendations of the Secretary-General and to ensure that appropriate credits are included in the annual budgets of the Union to permit the accomplishment of the tasks envisaged in this Resolution.

(Res. 16)
(Nairobi)

DRAFT RESOLUTION No. COM6/15

Participation of the Union in the
United Nations Development Programme (UNDP)
and in Other Programmes of the United Nations System

The Plenipotentiary Conference of the International Telecommunication Union
~~(Nairobi, 1982)~~ (Nice, 1989),

having noted

~~section 5.2 of the Report of the Administrative Council (Document No. 65), the separate report on the implementation of resolutions, etc. relating to the technical cooperation activities of the Union (Document No. 46) and the separate Report on the Future of ITU Technical Cooperation Activities (Document No. 47);~~

the Report of the Administrative Council relating to the technical cooperation activities of the Union (Document No 47) and the note of the Secretary-General on "the changing nature of ITU technical cooperation and related field activities" (Document No 33).

having endorsed

the action taken by the Administrative Council in application of
Resolution No 16 of the Plenipotentiary Conference ~~(Malaga-Terremolines, 1973)~~
(Nairobi, 1982) as regards participation of the Union in the United Nations Development Programme (UNDP),

having expressed

its appreciation of the consideration given by the UNDP to the development of telecommunications,

resolves

~~1. that the Union shall continue its full participation in the UNDP, within the framework of the Convention and under the conditions established by the UNDP Governing Council or by other competent bodies of the United Nations system;~~

1. that the Union, as part of its dual function as the United Nations specialized agency for telecommunications and the UNDP executing agency, shall continue its full participation in the UNDP within the framework of the [Convention] and under the conditions established by the UNDP Governing Council or by other competent bodies of the United Nations system;

2. that the administrative and operational service costs resulting from the Union's participation in the UNDP shall be included in a separate part of the budget of the Union, on the understanding that the support cost payments from the UNDP shall be included as income in that part of the budget;

3. that the support cost payments received from the UNDP shall not be taken into consideration in fixing the limits of the Union's ordinary budget;

4. that the Union's auditors shall check all the expenditures and income relative to participation of the Union in the UNDP;

5. that the Administrative Council shall also examine these expenditures and take whatever steps it deems appropriate to ensure that the funds thus assigned by the UNDP are used exclusively for administrative and operational services costs;

instructs the Secretary-General

1. to present each year to the Administrative Council a detailed report on the participation of the Union in the UNDP;

2. to submit to the Administrative Council such recommendations as he may deem necessary to improve the efficiency of this participation;

instructs the Administrative Council

1. to take all necessary measures to ensure the maximum efficiency of the Union's participation as a partner in the UNDP;

2. to take into account the decisions of the Governing Council of the UNDP with regard to support cost payments for the executing agencies, when establishing the credits required to cover the total administrative and service costs to be incurred as a result of the Union's participation in the UNDP.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 325-E

27 June 1989

Original: French

COMMITTEE 6

SUMMARY RECORD

OF THE

EIGHTH MEETING OF COMMITTEE 6

(TECHNICAL COOPERATION)

Friday, 16 June 1989, at 1430 hrs

Chairman: Mr. H. VIGNON (Benin)

Subjects discussed:

Documents

- | | | |
|----|---|---|
| 1. | Adoption of the agenda | C6-8 |
| 2. | Approval of the summary records of the third and fourth meetings of Committee 6 | 203
213 |
| 3. | Implementation of Nairobi Resolution No. 20 - The Missing Link Report and follow-up action (continuation) | 21,
106 + Corr.1,
IND/124/6 + Corr.1,
77 |
| 4. | Draft Resolutions | DT/45 |

1. Adoption of the agenda

The agenda was adopted.

2. Approval of the summary records of the third and fourth meetings of Committee 6
(Documents 203, 213)

2.1 The Chairman said that any amendments which might be required should be handed in to the Secretariat in writing.

The summary records of the third and fourth meetings of Committee 6 were approved, subject to any amendments that might be proposed.

2.2 The delegate of the United Kingdom said it was unfortunate that she was referred to by the personal pronoun "he" in the English summary records and the Secretary of the Committee apologized.

3. Implementation of Nairobi Resolution No. 20 - "The Missing Link Report" and follow-up action (continued) (Documents 21, 106 + Corr.1, IND/124/6 + Corr.1 and 77)

3.1 The Chairman said that the Committee still had to consider the document on the question of the apportionment of revenues in providing international telecommunication services and asked the delegate of India to introduce it.

3.2 The delegate of India introduced a draft Resolution on the apportionment of revenues in providing international telecommunication services (proposal IND/124/6 in Corrigendum 1 to Document 124). The study of the costs of providing and operating telecommunication services between developing and industrialized countries should normally be completed in April 1990. Support from the Plenipotentiary Conference for the draft Resolution would strengthen Resolution No. PL/3 of the WATTC (Melbourne, 1988). Adoption of the Resolution would be a gesture of support for the developing countries, so as to help them get funds to improve their networks.

3.3 The Deputy Secretary-General presented the Note by the Secretary-General on the implementation of WATTC-88 Resolution No. PL/3 (Document 106). The Note was an interim report which gave information on progress made in implementing Resolution No. PL/3 and described the methods adopted for the study. The Plenipotentiary Conference was asked to take note of the arrangements made for implementation and if necessary to provide further directives.

3.4 The delegate of Algeria supported the delegate of India and welcomed the work which had been carried out by WATTC and the Secretariat.

3.5 The delegate of the United States said that the draft Resolution submitted by India did not contribute anything more than was contained in Resolution No. PL/3 adopted by the World Administrative Telephone and Telegraph Conference (Melbourne, 1988). He wondered whether it was really necessary to keep the draft Resolution, since it duplicated Resolution No. PL/3. He was supported by the delegate of New Zealand.

3.6 The delegates of Ethiopia and Senegal supported the Indian proposal and said that a Resolution by the Plenipotentiary Conference would carry more weight than a WATTC Resolution.

3.7 The Deputy Secretary-General said that the draft Resolution was not at variance with the preceding Resolution but strengthened it. Some Members considered that the Resolution should not be cancelled, but revised, so that it could continue to be part of the Final Acts of the Plenipotentiary Conference.

3.8 The delegates of the Federal Republic of Germany and the United Kingdom, after pointing out that the draft Resolution contained nothing new at the present stage but merely gave a new impulse to the activities and the study in progress, said they were ready to accept the draft Resolution.

3.9 The Chairman said that in an effort to further the progress of the Committee's work, he would point out that the draft Resolution was in no way at variance with what had been done at Melbourne. He proposed that it should be adopted in order to strengthen the spirit of the decisions already taken.

It was so decided.

He then drew attention to Document 77 and asked if there was a representative of the World Bank present to introduce it if there were any comments.

The Committee simply took note of Document 77.

4. Draft Resolutions (Document DT/45)

4.1 The Chairman asked the Chairman of the Drafting Group set up to review 14 draft Resolutions to introduce Document DT/45 which had been produced by the Group.

4.2 The Chairman of the Drafting Group, the delegate of the United Kingdom, said that the Group had also included one delegate from each of the other four regions (Saudi Arabia, Canada, Côte d'Ivoire and Hungary). Its terms of reference had been clear and confined to drafting; its work in no way prejudged other decisions on questions of structure and financing being dealt with by other Committees, in particular, with reference to technical cooperation in the Union. The Group had had to consider Nairobi Resolutions Nos. 16 to 35, with the exception of Resolutions Nos. 20, 21, 24, 32 and 33, which it had been proposed should be deleted. The Drafting Group had first of all studied proposals of a general nature, i.e. Nairobi Resolutions Nos. 17, 23, 25, 31, 34 and 35 which corresponded to draft Resolutions Nos. COM6/1 to COM6/6 in Document DT/45. The other draft Resolutions in Document DT/45 were more specifically relevant to the discussions taking place in Committee 6 on the basis of Document 33. The texts in question were Nairobi Resolutions Nos. 19, 22, 26, 27, 28, 29 and 30, which corresponded to draft Resolutions Nos. COM6/7 to COM6/14 (except COM6/9) in Document DT/45. Draft new Resolution No. COM6/9 (Telecommunication Development Conferences), on the other hand, did not refer to any Resolution in the Nairobi Convention. The square brackets in certain texts had been included to draw the attention of members of the Committee to the fact that a final opinion had not yet been reached on the passages in question. She drew attention to the fact that some square brackets were missing in the French translation. Two Resolutions of the Nairobi Conference had not been included among the draft Resolutions in Document DT/45, namely, Resolution No. 16, which would appear in a separate temporary document, and Resolution No. 18. In her view, the terms of reference of the Working Group had been too limited for it to deal with Resolution No. 18, given the structural and financing aspects that were implicit in the title. In conclusion, she thanked her colleagues and the Secretariat.

4.3 The Chairman proposed that the Committee should consider all the draft Resolutions and that it should first confirm the decision to delete Resolutions Nos. 21, 24, 32 and 33. Resolution No. 20 was deleted.

4.4 The delegate of France, referring to Resolution No. 21, said that an official had been appointed at Union headquarters for the purpose of evaluating ITU technical cooperation and assistance activities. Would that expert remain in his post following the deletion of Resolution No. 21?

4.5 The Deputy Secretary-General said that the evaluation functions performed by the official in question derived from a practice which had been recommended by the United Nations Joint Inspection Unit and had been adopted by most of the specialized agencies. The post involved an ongoing evaluation task which had been adopted in principle by the Administrative Council and it was up to the Conference to maintain Resolution No. 21 or to delete it.

4.6 The delegate of France said that, if Resolution No. 21 were deleted - and he would not object if it were, he would like to know what action would be taken with respect to the official responsible for evaluating the Union's technical cooperation activities.

4.7 The Secretary of the Committee said that the Administrative Council had approved the appointment of an official for evaluating the Union's technical cooperation and assistance activities and that his post was charged to the Union budget (Section 7).

4.8 The delegate of Mali said that Nairobi Resolution No. 24 should be updated. It would seem to be contradictory to delete that Resolution just when a technical cooperation organ had been set up.

4.9 The delegate of the United States said he did not object to the deletion of Resolution No. 21 but that he had unfortunately not been able to study in sufficient depth the Report of the Administrative Council to the Plenipotentiary Conference, which contained recommendations, particularly concerning the principle of partnership. It should not be forgotten that the Joint Inspection Unit had tried to identify the reasons for the shortfall in income in the ITU's budget, in the section for technical cooperation. Evaluation should continue to be a priority task at the Union. The Technical Cooperation Department must demonstrate its efficiency and its activities must be kept under continual review.

4.10 The delegate of the United Kingdom said she had wondered whether the appointment of the official responsible for evaluation in the ITU was legitimate. She had realized that the decision had been taken by the Administrative Council and she considered that the existence of such an office was very useful in the Technical Cooperation Department. Speaking as Chairman of the Drafting Group, she said it was her understanding that the deletion of Resolution No. 21 had been accepted.

4.11 The Chairman said the statements made in connection with Resolution No. 21 would be mentioned in the Committee's report and dealt with at the appropriate level, either by the Plenipotentiary Conference or by the Administrative Council.

4.12 The Deputy Secretary-General, in response to the delegate of Mali, said that the Report of the Administrative Council to the Plenipotentiary Conference (Document 47) listed, in connection with Resolution No. 24, the steps which had been taken, i.e. the studies carried out in pursuance of its mandate.

4.13 The delegate of Switzerland said that, as he understood it, the task in question had been a very specific one which had been completed. It was not necessary to retain Resolution No. 24. Nevertheless, the substance of the matter had not been fully dealt with, and the related studies should be continued in the new organ.

4.14 The delegate of France agreed. Resolution No. 24 contained a number of positive items which he would deal with in connection with the Development Centre. It would have been useful to discuss the matter with relation to Document 77 of the World Bank. A number of ideas were excellent, particularly the concept of the ITU acting as a catalyst with financial institutions with a view to strengthening their support in the field of telecommunications; that role was currently played by the World Bank .

4.15 The delegate of Mali said that the new organ which had just been set up could continue to perform the duties defined in Resolution No. 24.

Resolutions Nos. 32 and 33 were deleted.

The meeting rose at 1600 hours.

The Secretary:

A.E. EMBEDOKLIS

The Chairman:

H. VIGNON

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 326-E

29 June 1989

Original: French

COMMITTEE 6

SUMMARY RECORD

OF THE

NINTH SESSION OF COMMITTEE 6

(TECHNICAL COOPERATION)

Saturday, 17 June 1989, at 0930 hrs

Chairman: Mr. H. VIGNON (Benin)

Subjects discussed:

1. Approval of the summary record
of the fifth meeting of Committee 6
2. Draft Resolutions

Documents

226

DT/45

DT/50

1. Approval of the summary record of the fifth meeting of Committee 6
(Document 226)

The summary record of the fifth meeting of Committee 6 was approved.

1.1 The delegate of the United Kingdom asked whether the text of the changes she made in the summary record of the first meeting would be published. The Secretary of the Committee said that there had not yet been time to publish corrigenda. All the amendments requested by the delegate of the United Kingdom would appear in a corrigendum.

2. Draft Resolutions (Documents DT/45 and DT/50)

2.1 The Chairman proposed that the Committee should discuss the texts page by page and the Secretary of the Committee introduced a number of editorial changes.

2.2 The delegate of France suggested indicating the corresponding numbers of Resolutions of the Nairobi Plenipotentiary Conference when discussing the various draft Resolutions. The Chairman agreed.

Draft Resolution No. COM6/1 (Resolution No. 34 of the Nairobi Plenipotentiary Conference)

2.3 The delegate of the United States suggested replacing the word "family" by "system" on the second line of paragraph 2 of "resolves".

Draft Resolution No. COM6/1 was approved as amended.

Draft Resolution No. COM6/2 (Resolution No. 17 of the Nairobi Plenipotentiary Conference)

2.4 The delegate of India proposed, under "emphasizing" maintaining the expression "for the management of the radio frequency spectrum", like in Resolution No. 17. He was supported by the delegates of Indonesia and Saudi Arabia.

After a brief exchange of views, it was decided that the end of the sentence would read: "successful operation of telecommunication services and management of the radio frequency spectrum".

It was so decided.

2.5 The delegate of Pakistan, supported by the delegates of India and Libya, proposed deleting the words "of ... standard", on the third line of the "recognizing" paragraph, so that the passage underlined would read: "continue to be inadequate".

It was so decided.

Draft Resolution No. COM6/2, thus amended, was approved.

Draft Resolution No. COM6/3 (Resolution No. 25 of the Nairobi Plenipotentiary Conference)

Draft Resolution No. COM6/3 was approved.

Draft Resolution No. COM6/4 (Resolution No. 31 of the Nairobi Plenipotentiary Conference)

Draft Resolution No. COM6/4 was approved.

Draft Resolution No. COM6/5 (Resolution No. 35 of the Nairobi Plenipotentiary Conference)

2.6 The delegate of Saudi Arabia, pointing out that the word "communication" was used in the title of the draft Resolution, wondered whether "communications" or "telecommunications" was appropriate. The Chairman answered that "communication" had indeed been intended, as it appeared in Resolution No. 35.

Draft Resolution No. COM6/5 was approved.

Draft Resolution No. COM6/6 (Resolution No. 23 of the Nairobi Plenipotentiary Conference)

Draft Resolution No. COM6/6 was approved.

Draft Resolution No. COM6/7 (Resolution No. 22 of the Nairobi Plenipotentiary Conference)

2.7 The delegate of Mexico, referring to sub-paragraph b) under "considering", in the preamble of the Resolution, wondered what criteria were applied to describe a country as "newly independent". The Deputy-Secretary General replied that newly independent countries were understood to be those which acceded for the first time to national sovereignty.

2.8 The delegate of the United States, referring to paragraph 1.2 under "decides", asked whether the specifications were related to the equipment itself or to its use.

2.9 The Secretary of the Committee, said that, despite the Recommendations of the CCIs, some administrations called for the Group of Engineers to study the specifications of new equipment. Those specifications therefore related to the procurement of the equipment and not to its design.

2.10 The delegate of the United States said that, in order to avoid any confusion, the word "preparation" should be replaced by "examination".

2.11 The Secretary of the Committee pointed out that the developing countries did not always have the means of drawing up specifications, hence the use of the word "prepare". Perhaps the term "preparation/pre-elaboration" might satisfy the United States Delegation.

2.12 The delegate of the United States said that any confusion between the technical specification activities of the CCIs should be avoided, in particular the CCITT, and the work of the Group of Engineers.

2.13 The Deputy-Secretary General said that the specifications concerned were needed for calls for tenders issued by countries to expand their networks. The word "standard" could be deleted to satisfy the request by the delegate of the United States, so that paragraph 1.2 would read: "to prepare technical specifications applicable to the equipment in most common use".

2.14 The delegate of the United Kingdom said that the word "standard" should be deleted and that the words "the acquisition of" could be added before "equipment".

2.15 In reply to the delegate of the USSR, who asked whether the word "adaptation" might not be inserted, the Secretary of the Committee said that the word "preparation" reflected the situation better than "adaptation". The technical specifications first had to be prepared before being used for a particular purpose.

2.16 The delegate of Ethiopia agreed with the delegate of the United States. It was impossible to cover all the aspects of specifications required for the acquisition of equipment. A more suitable rendering might be "basic technical specifications", which would give a clearer meaning to the draft Resolution.

2.17 The delegate of Mexico proposed a slightly different version: "the preparation of already standardized technical specifications for equipment most commonly used".

2.18 The Deputy Secretary-General, supported by the delegate of Saudi Arabia, suggested that paragraph 1.2 should be placed between square brackets and that the Editorial Committee should be allowed to decide on a final wording.

2.19 The delegate of France proposed replacing the words "specifications techniques" in the french version by the notion of "cahier des charges". He agreed with the delegate of the United States, moreover, regarding the deletion of the word "standard", to avoid any possibility of confusion with the activities of the CCIs.

2.20 The delegate of Algeria said that the proposals of the Deputy Secretary-General and the United Kingdom Delegation offered a solid solution. The term "purchase" was unacceptable, since it was a matter for each country to decide what use to make of the specifications. Moreover, he did not wish to restrict the scope of the draft Resolution.

2.21 The delegate of Mali said that paragraph 1.2 was misleading and should read instead: "the preparation of technical specifications for equipment most commonly used".

2.22 The delegate of Cameroon expressed his support for the proposal of the United States.

After an exchange of views, in which speakers included, besides the Chairman and the Secretary of the Committee, the delegates of the United States, Saudi Arabia, France and Mali, the Committee decided, on a proposal by the Chairman, to place paragraph 1.2 of draft Resolution No. COM6/7 between square brackets.

Draft Resolution No. COM6/7, thus amended, was approved.

Draft Resolution No. COM6/8 (Resolution No. 26 of the Nairobi Plenipotentiary Conference)

2.23 The delegate of the United States said that, pending the outcome of the discussions of Committee 7, draft Resolution No. COM6/8 dealing with the ITU's regional presence should be placed between square brackets.

2.24 The delegate of Indonesia, while supporting the draft Resolution, proposed the following wording for paragraph 1, under "instructs the Secretary-General": 1. to carry out the necessary studies with a view to strengthening the ITU's fragmentary presence by consolidating assistance for the ITU's regional presence". He was supported by the delegates of the Philippines, Thailand, Mali, the Islamic Republic of Iran, Chile and Jamaica. Moreover, in paragraph 2, under "instructs the Secretary-General", in view of the lack of any time reference, he proposed the wording: "to submit a report, including recommendations to the Administrative Council at its 1990 session".

2.25 The delegate of the United States also supported the proposal, but proposed that the paragraph should be placed between square brackets until such time as the Drafting Group could propose a different wording. As time was very short, however, he proposed

submitting the text to the 1990 session of the Administrative Council. Paragraph 2 would read: "to submit a report including recommendations to the 1990 session of the Administrative Council as early as possible".

2.26 The delegate of France was in favour of maintaining paragraph 1 of Nairobi Resolution No. 26 under "instructs the Secretary-General". Before the ITU's regional presence was increased, cost/benefit studies should be undertaken. It had also emerged that it would be useful to increase the resources of the Group of Engineers, who would need to travel around more. Hence any duplication of effort with the Group of Engineers should be avoided. He wondered, in fact, whether the experts should travel or whether they should be assigned to a fixed post in a specific place. It was also pointed out, in the paragraph referred to, that the strengthening of the regional presence should be as economical as possible, which appeared essential.

2.27 The delegate of the United Kingdom thought that the original draft Resolution was satisfactorily worded to deal with the problems of strengthening the ITU's regional presence. She recalled that, at previous meetings of the Committee at which the subject had been discussed, no details had been mentioned regarding the studies to strengthen the ITU's regional presence, which was why the Committee was considering a draft Resolution which specifically mentioned such studies. She also emphasized, with the delegate of the United States, that the strengthening of the ITU's regional presence should be considered in the light of the other decisions of the present Conference for the purposes of the application of the Resolution.

2.28 The Deputy Secretary-General and the Chairman pointed out that the question of the strengthening of the ITU's regional presence had already been discussed at length when Document 33 had been considered. It was only a question of knowing whether the proposals of the Drafting Group duly reflected earlier discussions and decisions.

2.29 The delegate of Algeria, supported by the delegates of Zimbabwe and Cameroon, said that the text should not be placed between square brackets, and proposed that the Committee should decide on a new wording of the text, since there appeared to be no objections. He said that the new text of the Resolution, as amended and approved in the meeting, would read:

"instructs the Secretary-General

1. to carry out the necessary studies with a view to strengthening the ITU's regional presence in the light of various other relevant decisions of this Conference for implementing this Resolution."

It was so decided.

2.30 The delegate of Indonesia recalled his proposal concerning paragraph 2 under "instructs the Secretary-General", for the report including Recommendations to be submitted to the 1990 session of the Administration Council.

2.31 The delegates of Algeria and Jamaica supported the proposal.

2.32 The delegate of the United States was opposed to a specific date being mentioned at that stage considering that discussions were still going on in Committee 7.

2.33 The delegate of the Federal Republic of Germany said that the text was liable to be amended again once the mandate of the new Technical Cooperation organ had been established. He therefore considered it unnecessary to discuss details of the wording at great length.

2.34 The delegate of Guinea supported the proposal.

After an exchange of views, the Committee decided not to amend the paragraph.

Draft Resolution No. COM6/8, thus amended, was approved.

Draft Resolution No. COM6/9

2.35 The Chairman explained that it was a new draft Resolution and that reference could not be made to existing texts, but that a discussion had already taken place during consideration of Document 37.

2.36 The delegate of Japan, referring to the paragraph "resolves that the International Telecommunication Union", said that while the need to convene regional conferences had been discussed and agreed, the same was not true of world-wide conferences.

2.37 The Deputy Secretary-General agreed that the delegate of Japan was correct. He explained that the idea of world conferences was to harmonize regional conferences.

It was decided to leave the paragraph between square brackets.

2.38 The delegate of the USSR proposed placing the word "World" between square brackets in the title of the draft Resolution.

2.39 The Deputy Secretary-General, referring to his previous explanation, said that the term "world conferences" was in the spirit of the Arusha Declaration. As he understood it, the Committee was in favour of deleting the square brackets around [and world] under "resolves" and that it would be illogical to introduce square brackets in the title.

2.40 The Chairman agreed with the Deputy Secretary-General and asked delegates to decide whether square brackets should be maintained or deleted throughout draft Resolution No. COM6/9.

2.41 The delegate of Byelorussia said that the matter was not clear and proposed referring it to Group PL-B for its opinion. For the time being, he proposed leaving the square brackets as they were in the draft Resolution.

2.42 The Deputy Secretary-General said that the terms of reference of the Group concerned only the programme of administrative conferences, so that regional conferences were excluded from the Group's scope. The decisions should therefore be taken by Committee 6.

2.43 The delegate of the Federal Republic of Germany said Committee 6 should be careful not to make inconsistent proposals to the Plenary Meeting. Document 33 had been examined in detail by Committee 6. A decision had been taken and there was no reason now to reverse it. He asked delegates to show more consistency and keep to established principles.

2.44 The Chairman, as a matter of convenience, suggested deleting the words "and World" in the title and "world-wide" in the text of draft Resolution No. COM6/9.

2.45 The delegate of Saudi Arabia said that world conferences completed the work of regional conferences and, if they were disregarded, the scope of regional conferences would be restricted. It would therefore be advisable to avoid very firm decisions.

2.46 The delegate of Algeria proposed not deleting the words "and World" and "world-wide" and instead maintaining them between square brackets both in the title and in the paragraph "resolves that the International Telecommunication Union".

2.47 The delegate of the United States pointed out that under "instructs the Secretary-General" on page 16, the words "on a world-wide basis" should also be placed between square brackets.

2.48 The Chairman said that the words "and World" in the title, "and world-wide" in the paragraph "resolves that the International Telecommunication Union", and the expression "on a world-wide basis" would remain between square brackets.

It was so decided.

Draft Resolution No. COM6/9, thus amended, was approved.

Draft Resolution No. COM6/10 (Resolution No. 29 of the Nairobi Plenipotentiary Conference)

2.49 The delegate of Guinea proposed that sub-paragraph a) of "considering" should be amended to read: "compatible equipment at both ends and at the interface equipment of transit offices", on the grounds that interface equipment was required to ensure compatibility between different equipment.

2.50 The Chairman explaining that the existing wording also covered interface equipment, asked whether the proposal was supported by other delegations. Since there was no support, the delegate of Guinea accepted the Chairman's explanation and withdrew his proposed amendment.

2.51 The delegate of Pakistan proposed that in sub-paragraph d), under "considering also the importance of", there should always be a reference to training and course programme preparation activities. He also proposed that, in the English text of paragraph 1.2, under "instructs the Secretary-General", the word "training" should be maintained as well as the expression "training material" in paragraph 6. The delegates of Saudia Arabia and Columbia supported those proposals.

2.52 The Chairman asked for comments concerning Pakistan's proposal. As there were no objections, the amendments presented by the delegate of Pakistan were approved.

Draft Resolution No. COM6/10 was approved as amended.

Draft Resolution No. COM6/11 (Resolution No. 19 of the Plenipotentiary Conference (Nairobi, 1982))

2.53 The delegate of Chile said that ever since the special voluntary programme for technical cooperation had been adopted by the last Plenipotentiary Conference in Nairobi, his Delegation had failed to understand the meaning of the word "voluntary". He therefore proposed, when referring to the special programme for technical cooperation, deleting the word "voluntary".

If his proposal met with objections, however, he would be prepared to withdraw it.

2.54 The delegates of Senegal, Costa Rica and Guinea supported the proposal by the delegate of Chile.

2.55 The Deputy-Secretary General thought that some clarification was required. A special programme had been set up at the Torremolinos Conference, which had then become a special voluntary programme for technical cooperation at the last Plenipotentiary Conference in Nairobi. That implied that countries could make contributions through the Union if they wished, so that the contributions were in fact voluntary. In other organizations, that type of programme was often referred to as multilateral. The Senior Counsellor (Special Tasks) confirmed the importance of the term "voluntary", which referred to the donor.

2.56 The delegates of France, the United Kingdom, USSR and Uruguay, in the light of the explanations supplied by the Deputy Secretary-General, thought that the word "voluntary" should be maintained. It characterized the nature of the contributions. The real meaning of the Resolution would be lost if the word was deleted.

2.57 The delegate of Chile did not altogether agree with the views expressed, but was prepared to withdraw his proposal in order not to hold up the work of the Conference.

2.58 The delegate of France preferred the old text of the "considering" and proposed maintaining it. If his proposal was not accepted, however, he proposed in the new text of the "considering" deleting the word "insufficient" and placing a full stop after the words "from the UNDP". The text would then read:

"that the needs of the developing countries for technical cooperation and assistance to improve their national networks cannot be fully satisfied by the funds allocated in the regular budget of the Union to this purpose nor by the allocation of funds from the UNDP."

2.59 The Deputy Secretary-General thought that the French text was ambiguous. It should be aligned on the English text, which said: "funds from the United Nations Development Programme to telecommunications projects executed by the ITU".

2.60 The delegate of Mali said that the word "urges" should be replaced by "to urge" in order to fit in with "resolves".

Draft Resolution No. COM6/11, as amended, was approved.

Draft Resolutions Nos. COM6/12, COM6/13, COM6/14 AND COM 6/15

The draft Resolutions referred to were approved.

2.61 The Chairman expressed his thanks to the members of the Drafting Group for performing their task in such a short time.

2.62 The Deputy Secretary-General, referring to Resolution No. 24 of Nairobi, suggested that the Drafting Group should perhaps not discontinue its activities immediately.

2.63 The delegate of the United Kingdom, speaking as Chairman of the Drafting Group, said that she did not consider the Group's terms of reference sufficiently explicit to enable it to revise Resolution No. 18 of Nairobi.

2.64 The Chairman announced that, at its next meeting, the Committee would have a draft text for Resolution No. 24 and that it might revise the two Resolutions Nos. 24 and 18.

The meeting rose at 1245 hours.

The Secretary

A. EMBEDOKLIS

The Chairman

H. VIGNON

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 327-E

24 June 1989

Original: English

COMMITTEE 8

SUMMARY RECORD

OF THE

FIFTEENTH MEETING OF COMMITTEE 8

(PURPOSE, RIGHT AND OBLIGATIONS)

Saturday, 17 June 1989, at 1435 hours

Chairman: Mr. M.F. DANDATO (Zimbabwe)

Subjects discussed:

Documents

1. Report of Drafting Group C8-3
2. Presentation and discussion of proposals related to the text of the draft Convention (continued) - Articles 15 and 25

296 + Corr.1

Document B,
DT/10 + Add.2

1. Report of Drafting Group C8-3 (Document 296 + Corr.1)

1.1 The Chairman of Working Group C8-3 introduced the report of the Working Group consisting of a draft Resolution on the Use of the United Nations Telecommunication Network for the Telecommunication Traffic of the Specialized Agencies. He drew attention to Corrigenda the French and English texts.

In reply to a question by the delegate of Niger, he said that there had been some discussion as to whether the word "télécommunications" in French should be singular or plural. He suggested that the word should be placed in the singular in the second line of the title so as to align the text.

It was so agreed.

In reply to a request by the delegate of Japan for clarification of the word "tariffs" in resolves 1, the Chairman of Working Group C8-3 explained that the cost to the specialized agencies had two components: 1) the cost which the UN itself incurred in operating the network, and 2) transmission costs of the administrations providing the circuits, which had to be paid by the end user, namely the specialized agency. The tariffs would be those customarily charged by administrations in accordance with the UITT Regulations.

1.2 The delegate of Saudi Arabia enquired whether the word "practices" in "resolves 1" and "4" meant procedures and whether it was the usual terminology.

1.3 The Chairman of Working Group C8-3 said that the term was intended to cover the usual practices followed by administrations, which might differ from one administration to another.

1.4 The delegate of Austria suggested, in order to clarify the point, that "resolves 1" should read "... tariffs, established by administrations within the framework...".

1.5 The delegate of the United States thought that the Austrian amendment changed the meaning of the paragraph.

1.6 The delegates of Indonesia, the Federal Republic of Germany, France, Saudi Arabia and Greece supported the amendment proposed by the Austrian delegate.

The Austrian amendment was approved.

1.7 The delegate of the Islamic Republic of Iran said that in "resolves 4" the word "regulations" should be spelt with an initial capital so as to make it clear that it referred to ITU Regulations.

It was so agreed.

The draft Resolution (Document 296 + Corr.1), as thus amended, was approved.

2. Presentation and discussion of proposals related to the text of the draft Convention (continued) (Document B, DT/10 + Add.2)

Article 15

Nos. 177-179

Approved without change.

No. 180

Approved with an editorial modification to the Spanish text only.

No. 181

Approved without change.

No. 182

Approved with an editorial amendment to the English text (DT/10) to align it with the French and Spanish texts.

Nos. 183-184

Approved without change.

No. 185

2.1 The delegates of Morocco, Paraguay and the Federal Republic of Germany supported the Brazilian proposal B/59/9 for the amendment of No. 185 on the grounds that it avoided ambiguity.

No. 185 was approved as amended.

Nos. 186-187

Approved without change.

No. 188

2.2 The delegates of the Federal Republic of Germany, Saudi Arabia, Paraguay and China supported the Brazilian proposal B/59/10 for the amendment of No. 188.

2.3 The delegate of Kenya, supported by the delegates of Australia, the United Kingdom and Guinea, doubted the propriety of the amendment. He did not see why an individual who was exercising a proxy vote need necessarily be in possession of the right to vote himself. Those who had lost the right to vote did not lose the right to participate in meetings and they should therefore be entitled to cast proxy votes.

2.4 The delegate of Mexico added that the right to vote was a delicate matter and delegates would only give their proxy to another delegation in whom they had full confidence. Their right to choose such a delegation should not be restricted by the fact that that delegation had lost the right to vote.

2.5 The delegate of New Zealand suggested that the proposed amendment to No. 188 might be covered by the fact that No. 189 spelled out "another delegation with the right to vote".

After a further brief discussion, No. 188 was approved without change.

Nos. 189-191

Approved without change.

Article 25

No. 251

2.6 The delegate of Mexico supported the Tanzanian proposal TZA/56/30 for the amendment of No. 251 on the grounds that the person opening the conference should be someone with experience, rather than the oldest in terms of age.

2.7 After a brief discussion, in which various delegates regretted the fact that the delegate of Tanzania was not present to explain his Delegation's proposal, the delegate of Switzerland, supported by the delegates of the United Kingdom, Senegal, Paraguay, Niger and France said that the proposal would be difficult to implement in practice and was probably unnecessary, since in any case the oldest Head of delegation would probably be someone with considerable experience of the ITU's work.

No. 251 was approved without change.

The meeting rose at 1600 hours.

The Secretary:

D. SCHUSTER

The Chairman:

M.F. DANDATO

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 328-E

22 June 1989

Original: English

COMMITTEE 9

SUMMARY RECORD

OF THE

TENTH MEETING OF COMMITTEE 9

(BASIC INSTRUMENT OF THE UNION)

Saturday, 17 June 1989 at 0930 hrs

Chairman: H.H. SIBLESZ (Netherlands)

Subject discussed:

1. Consideration of proposals (continued)

Documents

DT/12 + Corr.1
+ Add.1 + Add.2,
Documents A + B,
GE-BIU 50(Rev.)

1. Consideration of proposals (Documents DT/12 + Corr.1 + Add.1 + Add.2, GE-BIU 50(Rev.), Documents A and B) (continued)

Article 40 - Administrative Regulations (continued)

1.1 The delegate of Japan, introducing proposal J/111/5, noted that, under the current legal system of the ITU, a Convention was abrogated when a new Convention entered into force. The Administrative Regulations, regarded as annexed to the Convention, thus lost their validity with the abrogation of the Convention. Article 42 of the Nairobi Convention provided that ratification of or accession to the Convention involved acceptance of the Administrative Regulations in force at the time of ratification or accession. Under that provision, Members were implicitly allowed to make reservations on provisions of the Administrative Regulations at the time of ratification of or accession to the Nairobi Convention. Moreover, the Vienna Convention on the Law of Treaties provided that a State "may, when signing, ratifying, accepting, approving or acceding to a treaty, formulate a reservation". Such an internationally established legal practice should be applicable to the legal instruments of the ITU. Proposal J/111/5 thus sought to clarify the text by providing explicitly for the right of Members to make reservations with regard to their acceptance of the Administrative Regulations. No. 582 of Article 77 of the Nairobi Convention allowed delegates to make reservations during conferences. In practice, that meant that delegations were only given some 24 hours in which to study all the consequences of revised Administrative Regulations in order to decide whether to make a reservation. That time period was evidently too short, although the underlying principle was correct, i.e., in order to ensure legal stability it had to be clear which provisions Members would have to abide by. Proposal J/111/6 thus sought to extend the period to six months in order to allow time for the consequences to be studied but at the same time to ensure that any reservations were made within a reasonably limited time.

1.2 The Legal Adviser, supported by the delegate of the United Kingdom, said that, in view of the complexity of Article 40 and the proposals related to it, the following clarification might prove useful to the Committee. Under the Nairobi regime, each revision of the Administrative Regulations had either been separately adopted by Members or had been accepted through the ratification of or accession to the Nairobi Convention. No. 174 of the Nairobi Convention provided that the Administrative Regulations would remain valid, subject to partial revisions by administrative conferences, until the time of entry into force of new Regulations. The proposals of Japan should be considered, not only in the light of Article 19 of the Vienna Convention, but also in the light of its Articles 20 and 21 which dealt, respectively, with acceptance of and objection to reservations, and with the legal effects of reservations and objections to reservations. It was clear from the Vienna Convention that reservations could be made up to the time of giving consent to be bound. The Vienna Convention, however, applied to "any treaty which is the constituent instrument of an international organization and to any treaty adopted within an international organization without prejudice to any relevant rules of the organization", as stated in its Article 5. The Nairobi Convention was thus in accordance with the Vienna Convention and it was thus clear that rules adopted by the Plenipotentiaries need not necessarily be in complete congruency with the Vienna Convention. No. 171 of the Nairobi Convention had served the useful purpose of ensuring that acceptance of the Administrative Regulations was updated through ratification of or accession to the Convention. Paragraphs 15 and 16 of the Final Report of the Group of Experts (GE-BIU Document 50(Rev.)), which included an extract of a document submitted to it by the Secretary-General, dealt precisely with that question. In moving to a more stable Constitution and in view of its specific amendment procedure, the past, frequent process of updating acceptance to the Administrative Regulations in force would no longer prevail. Various proposals had been made with respect to Article 40 of the draft Constitution, some based on the present system and some suggesting a radical change, it being the right of this Plenipotentiary Conference to make such change. It was,

however, physically impossible to annex the Administrative Regulations to the Constitution and the Convention, as called for by France. The phrase "regarded as annexed to" had finally been accepted by the Secretary-General of the United Nations as establishing the status of the Administrative Regulations as international treaties. The text of No. 179 could be clarified by replacing the first sentence by "The Administrative Regulations are treaties and shall be subject to the provisions of this Constitution and the Convention". The last sentence of proposal USA/257/1 of the United States involved a radical change from the ITU's current practice and would allow Members ratifying or acceding to the Nice instruments to choose which Administrative Regulations were to be applicable to it and which were not. Such diversity in applicability risked making the Administrative Regulations practically impossible to apply. Departures from universality in the application of the Radio Regulations, in particular, would pose problems not only for States Parties thereto, but also for the IFRB. The proposals of Japan carried a similar risk. The proposal of the Netherlands, however, suggested a way of clarifying the text, while remaining within the present system and of ensuring that the application of the Regulations remained harmonized.

1.3 The delegate of the United States disagreed with the Legal Adviser's characterization of his country's proposal. Article 42 of the Nairobi Convention provided that ratification of or accession to it involved "acceptance of the Administrative Regulations in force at the time of ratification or accession". The different dates on which ratification or accession took place implied the acceptance of different Regulations. The existence of new Regulations did not simply make former Regulations disappear. The proposal of the United States thus did not alter the status quo. Far from allowing States to pick and choose between Regulations, the object was to harmonize application of the Regulations by ensuring the acceptance of the same Regulations, while respecting the sovereignty of nations.

1.4 In reply to the delegate of Brazil, the Legal Adviser said that, in No. 181 of the draft Constitution, the interpretation of "Members shall inform" to be an obligation followed from the interpretation of "shall be binding" in No. 167 as an obligation.

1.5 The delegate of Australia opposed the proposals of Japan and of the United States on the grounds that they would open the way for divergences with respect to acceptance of the Administrative Regulations. The text drafted by the Group of Experts was preferable. The proposal of the Netherlands, however, held out some promise of resolving the problem of how to catch up with Members that had not accepted the Administrative Regulations and of ensuring that acceptance of those Regulations was kept up to date. The existing procedure for reservations had served the Union well and there was no need to change it. "Silence means consent" was, moreover, a well-established principle in relation to technical regulations such as the Administrative Regulations, although it could not be applied to the governing instruments of international organizations.

1.6 The delegates of Paraguay and Mexico supported the proposal of the Netherlands, although the delegate of Mexico said that the text of the Group of Experts was also acceptable.

1.7 The delegate of Colombia supported the proposal of France. With regard to the proposals of Japan and the Netherlands, his Delegation could not accept that "silence means consent". While agreeing with the Legal Adviser that the Administrative Regulations were not, from a legal point of view, completely governed by the Vienna Convention, that Convention should certainly be taken as a guide.

1.8 The delegate of Japan stressed the sovereign right of Members to make reservations and noted that, in the absence of such reservations, the Japanese proposal was indeed based on the understanding that "silence means consent". The

Netherlands proposal was unacceptable in that it appeared to make reservations to the Administrative Regulations an all or nothing matter.

1.9 The delegate of Ethiopia said that the first sentence of the proposal of the Netherlands should be the basis of the Committee's work. The Japanese proposal appeared to open the way for Members that had already accepted the Regulations to make subsequent reservations; that was surely not the intention of Article 40.

1.10 The delegate of Romania said that the Committee should address itself to the work required by its terms of reference. It should thus devote its attention to the draft Constitution and the draft Convention. In particular, procedures related to reservations to the Administrative Regulations and their entry into force should be addressed by an administrative conference and should form part of the text of those Regulations.

1.11 The delegate of Sweden said that the heart of the matter lay in the rival claims of legal impeccability and the practice to be followed in day-to-day matters. While it might seem inconceivable for any country to want to be bound by legal obligations without its own explicit consent, it was obviously practical in many cases not to overdo legal tidiness, and some of the technical rules of the ITU were clearly generally applicable even if every Member had not given them its formal consent. The Netherlands proposal was based on that reasoning, adopting tacit consent as a useful principle for the practical rules which might be termed secondary law. On the other hand, it could be assumed that major political commitments must be subject to explicit consent in accordance with the Vienna Convention, and those considerations led to the question whether the ITU Administrative Regulations should be regarded merely as secondary law: he believed that, although at one time they could have been thus regarded, at least the new International Telecommunication Regulations contained more important principles than the rules for day-to-day operation subsumed under secondary law, and he therefore doubted whether they could be subject to tacit consent. A final question was whether States which had not participated in an administrative conference revising certain regulations would subsequently be bound by those revisions by tacit consent.

1.12 The delegate of Finland said that, although the existing system of revising the Administrative Regulations might have some legal loopholes, it had worked well in practice, since the administrative conferences concerned ended by presenting the Members with a complete package of what had had been agreed, together with reservations and counter-reservations. Moreover, ratification of the revisions adopted was not particularly important, since all the amendments in any case came into force after the next Plenipotentiary Conference. That system of frequent amendment should not be changed too radically under the regime of a stable Constitution, and the method proposed by the Netherlands for No. 181 was very attractive, since it corresponded to the situation that had prevailed so far and was used in other international organizations. Whatever system was decided upon, however, it was important not to allow States to be bound only by the provisions that suited them, since that would tend to reduce participation in the conferences themselves. On the other hand, some freedom of choice might be given with respect to less important detailed provisions.

1.13 The delegate of the Ukrainian Soviet Socialist Republic said that, whereas the transition to a stable Constitution raised no problems with regard to States which had ratified the Administrative Regulations, the situation of Members which were not parties to any such Regulations did involve some difficulties. The idea in the Netherlands proposal that such States should be given an opportunity to accept various partially revised or new regulations within a certain period was sound and should be incorporated in Article 40.

1.14 The delegate of Venezuela said that the Administrative Regulations were such important instruments that States must express explicitly their consent to be bound by them. Her Delegation therefore could not support the Netherlands proposal, because it implied the principle of tacit consent. She agreed with the Romanian delegate that the Constitution should be an extremely precise and concise instrument, and could not support the United States proposals for that reason. With regard to the Japanese proposal, the necessary provisions concerning reservations were quite adequately stated in No. 582 of the Nairobi Convention. For all those reasons, her Delegation preferred the text currently in force.

1.15 The delegate of Canada said that her Delegation supported the existing practice whereby the Administrative Regulations entered into force as a consequence of ratification or accession to the basic instrument. Canada had some difficulty with proposals which tended to expand unduly the capacity of States to make reservations, since that would be contrary to the Union's practice of resolving the issues in question by consensus at the administrative conferences themselves. Moreover, the procedure set out in No. 582 of the Nairobi Convention enabled all Members to make reservations and to examine the reservations of other States before expressing their acceptance. The United States and Japanese proposals also tended to undermine the consensus approach and could lead to further layering of the Administrative Regulations regime. For operation under the new basic instrument, Canada preferred the Netherlands proposal, which would provide the necessary uniformity, while retaining the sovereign right of States to refuse to accept provisions and to make reservations under the equivalent of No. 582 of the Nairobi Convention. Her Delegation had no difficulty in applying the principle of tacit consent to the Administrative Regulations.

1.16 The delegate of Czechoslovakia said that, from the legal point of view, he had some difficulty with the Netherlands proposal, since the principle of tacit consent should not be applied to such important instruments as the Administrative Regulations. The Japanese proposals on reservations seemed to be acceptable, and the argument that the scope of reservations to the regulations should not be broadened unduly was to some extent covered by the stipulation in the Vienna Convention that reservations must not be contrary to the object and purpose of the treaty concerned. On other hand, it was not quite clear from proposal J/111/6 whether a Member making a reservation became a party to the remainder of the Administrative Regulations concerned, and the words "as a whole" might perhaps be inserted after the word "binding" in the third line of the proposal.

1.17 The delegate of Japan confirmed that a Member making a reservation would be bound by the remaining Regulations.

1.18 The delegate of Brazil pointed out that it had been decided at the Madrid Conference to annex to the Convention mainly technical regulations, binding on all Members to the extent to which they were able to comply with them. Accordingly, the sovereign right of States to make reservations to the Administrative Regulations must be safeguarded, although caution should be exercised in extending the scope of that right.

1.19 The delegate of Iceland said that his country was particularly interested in the proposed treatment of countries which had not been able to participate in certain administrative conferences and had consequently been prevented from making reservations. Participation in lengthy conferences was sometimes too costly for small countries like his own, and Iceland had specifically submitted to the current Conference a proposal that a reservation it had wished to make to the Final Acts of WARC MOB-87 should be inserted in the Final Protocol to the Nice Constitution.

1.20 The delegate of Algeria agreed with speakers who had stressed the need to make the Constitution as precise and concise as possible. The instrument should certainly not contain such details as provisions on reservations to the Administrative Regulations, and his Delegation was in favour of the text in Document A.

1.21 The delegate of the United States asked whether the Japanese delegate, in interpreting the Netherlands proposal, was correct in assuming that that proposal precluded Members from making reservations at administrative conferences. If that were not so, he could support it. The delegate of the Netherlands said that his Delegation had not referred to reservations in its proposal because no such reference appeared in No. 181 as drafted by the Group of Experts. The proposal did not seek to change anything in the present procedure with respect to reservations.

1.22 The Chairman, summing up the debate, said that there were at least two interpretations of the regime established by Article 40 which in fact mirrored the Nairobi-regime, the first reflecting the view that consent to be bound by the Administrative Regulation was consequential upon ratification of or accession to the basic instrument, and the second tending to the view that the Administrative Regulations and revisions thereof had their own specific procedure of adoption and entry into force, which made Nos. 180 and 181 more or less redundant. Reference had been made to the possibly contradictory requirements of legal accuracy and practicability. Some delegates had stressed that consent to be bound must be expressed explicitly, while others considered that Members should not be completely free to choose those provisions by which they should be bound. Overall concern had been expressed about the need to maintain the present practice, slightly modified as necessary to take account of the new structure of the basic instrument, to provide for the necessary uniformity and to allow Members to make reservations at the time of revision of the Administrative Regulations. One delegation had expressed sympathy for the Japanese proposal to allow Members to make reservations to revisions of the Regulations even after such revisions had been adopted, but it had also been stressed that such an extension should not go too far, in order not to undermine the object and purpose of the Regulations.

He suggested that further consideration of Article 40 be deferred, to give delegations time to reflect on their positions and on the possibility of amalgamating certain proposals, and announced that an informal group on Article 42, Settlement of Disputes, would probably be in a position to submit some proposals on Wednesday, 21 June 1989.

The meeting rose at 1230 hours.

The Secretary:

A. NOLL

The Chairman:

H.H. SIBLESZ

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 329-E

24 June 1989

Original: English

COMMITTEE 7

SUMMARY RECORD

OF THE

NINETEENTH MEETING OF COMMITTEE 7

(STRUCTURE OF THE UNION)

Saturday, 17 June 1989, at 1445 hrs

Chairman: Mr. A. VARGAS ARAYA (Costa Rica)

Subjects discussed:

Documents

- | | | |
|----|--|-----------------|
| 1. | Establishment of a Drafting Group 7 ad hoc 2 to consider the terms of reference for the study on the structures and working methods of the Union | - |
| 2. | Term of office of CCI Directors elected by the present Plenipotentiary Conference | 55, 82, 98, 110 |
| 3. | Non-structural aspects of the IFRB | DT/17 |
| 4. | Information systems and exchange of information through the ITU | - |

1. Establishment of Drafting Group 7 ad hoc 2 to consider the terms of reference for the study of the structures and working methods of the Union

1.1 The Chairman repeated his proposal made the previous evening that Drafting Group 7 ad hoc 2 be set up to consider the terms of reference for the review on the structures and working methods of the Union; that Group should prepare a draft text on the matter for submission to Committee 7. The Federal Republic of Germany had agreed to chair the Group, which would comprise the delegates of Algeria, Saudi Arabia, Australia, Brazil, Burkina Faso, Canada, Colombia, Spain, the United States, Ethiopia, Hungary, India, Indonesia, Japan, Kenya, Mali, Peru, the United Kingdom, Tanzania and the USSR.

It was so agreed.

1.2 The delegates of Mexico, Greece, Paraguay and China having expressed a wish to join the Drafting Group, the Chairman invited them and any other delegates wishing to participate to inform the Chairman of the Drafting Group accordingly.

2. Term of office of CCI Directors elected by the present Plenipotentiary Conference

2.1 The delegate of Indonesia said proposals INS/55/2-3 had advocated a merger of the CCIs and election of a single Director at the present Conference but in the light of the discussion on CCI structures, he could accept the decision to maintain the present structure of the CCIs with two Directors until such time as it might be decided otherwise by a Plenipotentiary Conference convened to review the results of the structural review. The term of office of the CCI Directors elected by the present Plenipotentiary Conference should therefore run until the extraordinary Conference, which should be held in 1991.

2.2 The delegates of Ethiopia and Greece (proposals GRC/98/5 and GRC/110/23) endorsed those views.

2.3 The delegate of the United Kingdom said that proposal G/82/9 had been for a review of the structure and working methods of the CCIs and had not been intended to have any impact on election proceedings at the present Conference. Under the Nairobi Convention, Directors of the CCIs were to be elected by the Plenipotentiary Conference. Since there was no suggestion that that principle be revoked by the present Conference the Directors it elected would remain in office until the next election took place, namely at the next Plenipotentiary Conference. The only uncertainty (which was not unusual since the interval between Plenipotentiary Conferences was not rigidly fixed) was the date of the next Conference, which some delegates were suggesting should be held in two years' time rather than after the normal five years' interval.

2.4 The delegates of Canada, Papua New Guinea, the Netherlands, Brazil, the Islamic Republic of Iran, Mexico and the United States endorsed that opinion. The delegate of Canada noted further that, as the Legal Adviser had pointed out at an earlier meeting, the next Conference, even if held after a very short interval, would be a regular Plenipotentiary Conference, since there was no provision in the Convention for an extraordinary one.

2.5 The delegate of the Federal Republic of Germany said it would be difficult to resolve the issue of the length of term of office of CCI Directors following the present Plenipotentiary Conference until a time frame had been decided for the structural review, suggestions for which varied at present between two and five years.

2.6 The delegate of Australia said that it was necessary to elect two CCI Directors at the present Plenipotentiary Conference to ensure continuity of important on-going work. Perhaps the Administrative Council could be authorized to extend or terminate the period of office of those Directorships depending on the outcome of the structural study; it was not yet a foregone conclusion whether that study would recommend one or two Directors.

2.7 The delegate of Kenya said that the problem was that the completion date for the structural review was still uncertain. Were the review to be completed in two years' time, there would be a question as to whether the relevant decisions could be left to the Administrative Council or whether a Plenipotentiary Conference should be convened for the purpose. Perhaps some provision could be made in the Constitution for convening a Plenipotentiary Conference, with a limited agenda for debating a specific issue on which a decision by all Members was required.

2.8 The delegates of the Islamic Republic of Iran and Mexico considered that a Plenipotentiary Conference should be convened as soon as the structural study had been completed, in order to review the results and elect the number of CCI Directors it decided upon.

2.9 The Legal Adviser, replying to a request for clarification of No. 44 of the Convention from the delegate of Mali, said that not only No. 44 dealt with the election of CCI Directors, but also No. 323 of the Convention, which clearly indicated that CCI Directors were elected for the interval between two Plenipotentiary Conferences. Any Director elected at the present Plenipotentiary Conference would therefore continue in office until the elections taking place at the subsequent Plenipotentiary Conference came into effect. He drew the Committee's attention to No. 34 of the Convention, where it was stipulated that the Plenipotentiary Conference should "normally be convened every five years". The use of the term "normally", which had been carried forward into the Nairobi Convention by many previous Plenipotentiary Conferences, implied that any Plenipotentiary Conference, whenever it was convened, was a regular one. No hierarchical distinction between extraordinary and regular Plenipotentiary Conferences was made in the Convention. The Committee was reminded that the uncertainty in the length of term of office of elected officials, which had been commented on in the context of the uncertainty of the length of time required for the structural study, already existed in the present Convention, and would continue to exist, as the same provisions had been carried forward into the new draft Constitution and Convention. He drew the Committee's attention also to Article 53 of the Nairobi Convention which described the ways in which a date could, at any rate, be set and changed for a Plenipotentiary Conference and noted further that the provisions relating to terms of office of elected officials applied not only to CCI Directors, but also to the Secretary-General, the Deputy Secretary-General and the members of the IFRB.

2.10 The delegates of the United Kingdom and Yugoslavia thanked the Legal Adviser for his explanation.

2.11 The Legal Adviser, in reply to a question by the delegate of Saudi Arabia, confirmed that, if a Plenipotentiary Conference would be convened in 1991 to consider the results of a structural study, it would, under the Nairobi Convention, be a regular or normal Plenipotentiary Conference, since the Convention made no distinction between ordinary or extraordinary Plenipotentiary Conferences. In reply to a question from the delegate of Kenya, who had asked whether the agenda for such a Plenipotentiary Conference could be restricted to dealing only with the results of a structural study, he said that it was generally a somewhat unusual, but traditional feature of the ITU that the agendas of its Plenipotentiary Conferences were considered to be set out in the respective provisions of Article 6 of the Convention. The usual agenda for a

Plenipotentiary Conference included thus all the provisions set out in Article 6. If this Conference was considering convening a Plenipotentiary Conference to review the results of the structural study only, the present Conference ought, in his view, to think very carefully, before it decided to restrict the scope of the agenda for that conference in any way. For such a restriction the form of a Resolution or Recommendation might perhaps be envisaged, but any Plenipotentiary Conference, including the next one, was, as supreme organ of the Union, not bound to follow such a request contained therein. In his view, many items such as elections stipulated in Article 6 of the Convention, would have to be included in any Plenipotentiary Conference agenda, whenever it was convened. In reply to a question from the delegate of Mali, he explained that the obligation on the present Conference to elect the CCI Directors was contained in No. 323 of the Nairobi Convention and in paragraph 2 of Additional Protocol VI. In reply to the delegate of India, who asked whether it would be in order for a Resolution or Recommendation, or perhaps an Additional Protocol, to request the next Plenipotentiary Conference not to take up certain provisions of Article 6, such as those calling for election of the Secretary-General and Deputy Secretary-General, he was of the opinion that it was open to the present Conference, if it so wished, to adopt such a Resolution or Recommendation, since it was not binding on the supreme organ meeting as next Plenipotentiary Conference. However, the implications of including such a restriction in an Additional Protocol, that was to say in a form intended to be legally binding and requiring consent by governments, needed more careful study; he would prefer to reply on that point only during the following meeting of Committee 7.

2.12 The delegates of India and Tanzania said they would appreciate having that clarification.

2.13 The Legal Adviser promised to give his reply during the next meeting of Committee 7.

3. Non-structural aspects of the IFRB (Document DT/17)

3.1 The Chairman said that at its following meeting the Committee would be asked to establish a Drafting Group 7 ad hoc 3 to consider the provisions in the Constitution and Convention relating to non-structural aspects of the IFRB. Should that be approved, that Group would consider those proposals in Document DT/17 that were not being considered by Drafting Group 7 ad hoc 2.

After some discussion among the delegates of Indonesia, the USSR, Lesotho and France, he said that the terms of reference of the proposed Drafting Group 7 ad hoc 3 and the proposals it was to consider would be submitted to the Committee in writing at its next meeting.

On that understanding it was decided that the Committee would not at present consider Document DT/17.

3.2 The Chairman noted that there were no further matters relating to the IFRB for the Committee to discuss at present it having been agreed that pending the structural survey the present Plenipotentiary Conference would not change the existing structure of the Board. He was therefore in a position to inform the next Plenary of that fact and that it should prepare for the election of five members of the Board for a full term of office.

It was so agreed.

4. Information systems and exchange of information through the ITU

4.1 The Chairman informed the Committee of the proposal, because of the heavy workload of Committee 7, that documents and proposals relating to information systems and the exchange of information through the ITU would be better considered by a small Working Group reporting direct to the Plenary.

After some discussion among the delegates of the Federal Republic of Germany, the USSR and the United Kingdom, the Chairman explained that the relevant proposal would be placed before the Committee in writing at its next meeting.

It was so agreed.

The meeting rose at 1735 hours.

The Secretary:

A.M. RUTKOWSKI

The Chairman:

A. VARGAS ARAYA

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 330.E
17 June 1989
Original: English

COMMITTEE 7

REPORT OF THE CHAIRMAN OF DRAFTING GROUP 7 AD HOC 1
TO COMMITTEE 7

Drafting Group 7 ad hoc 1 met on 17 June 1989 to consider the working methods of the International Consultative Committees. It adopted the terms of reference contained in Annex 1.

Representatives of some 20 countries participated in the work of the ad hoc Group.

While the ad hoc Group did not complete its task in its entirety, the results of the examination of Article 11 of the Constitution (Nos. 86 and 89 only) and Articles 6, 16, 17, 18, 20 and part of 21 (Nos. 221 to 224 only) of the Convention are presented in Annex 2.

The next meeting of the ad hoc Group will be held on Monday, 19 June in the evening and a final report will be submitted to Committee 7 on Tuesday, 20 June 1989.

K. HOFFMAN
Chairman of Drafting Group 7 ad hoc 1

Annexes: 2

ANNEX 1

TERMS OF REFERENCE OF DRAFTING GROUP 7 AD HOC 1

WORKING METHODS OF THE INTERNATIONAL CONSULTATIVE COMMITTEES

1. Drafting Group 7 ad hoc 1 is responsible for producing provisions for consideration by Committee 7 (Structures) relating to the working methods of the International Consultative Committees. Specifically these include:

- Article 11 of the new Constitution insofar as working methods are concerned;
- Articles 6, 16-18 and 20-24 of the new Convention, and
- any associated Resolutions or Recommendations of the Conference.

2. The primary working document of the Drafting Group is DL/13 + Corr.1, referencing Document DT/16 + Corr.1, or any of the proposals and conference documents contained therein, as well as Documents 96 and 247, which are related to provisions for which the Drafting Group is responsible.

ANNEX 2

CONSTITUTION

ARTICLE 11*

- 86 (3) In the performance of its studies, [each]**/[the] Consultative Committee shall pay due attention to the study of questions and to the formulation of recommendations directly connected with the establishment, development and improvement of telecommunications in developing countries in both the regional and international fields. [Each]/[The] Consultative Committee shall conduct its work with due consideration for the work of national and regional standardization bodies keeping in mind the need for the ITU to maintain its pre-eminent position in the field of world-wide standardization for telecommunications.
- 86A (4) The technical and operating Recommendations of each Consultative Committee shall address those characteristics considered necessary for the efficient and rational use of telecommunications and of the radio-frequency spectrum [and the geostationary-satellite orbit].***
- 87 2. The International [Consultative Committees]**/[Telecommunication Consultative Committee] shall have as members:
- 88 a) of right, the administrations of all Members of the Union;
- 89 b) any recognized private operating agency or any scientific or industrial organization which, with the approval of the Member which has recognized it, expresses a desire to participate in the work of these Committees.

* The other provisions of Article 11 of the Constitution were not examined by the Drafting Group.

** Existing text.

*** The text in square brackets has been added by the Chairman of Drafting Group 7 ad hoc 1 for completeness, taking into account discussions in the Drafting Group.

CONVENTION

ARTICLE 6

International Consultative Committees

- 117 1. Each International Consultative Committee shall work
through the medium of:
- 118 a) the Plenary Assembly, preferably meeting every four
years. When a corresponding world administrative
conference has been convened, the Plenary Assembly
should meet, if possible, at least eight months before
this conference;
- 119 b) study groups, which shall be set up by the Plenary
Assembly to deal with questions to be examined;
- 120 c) a Director, assisted by a specialized secretariat;
- 121 d) ~~laboratories or technical installations set up by the~~
~~Union.~~
- 122 2. (1) The questions studied by each International
Consultative Committee, on which it shall issue Recommendations,
shall be those referred to it by the Plenipotentiary Conference,
by an administrative conference, by the Administrative Council, by
the other Consultative Committee, or by the International
Frequency Registration Board, in addition to those decided upon by
the Plenary Assembly of the Consultative Committee itself, or, in
the interval between its Plenary Assemblies, when requested or
approved by correspondence by at least twenty Members of the
Union.
- 123 (2) At the request of the Members concerned each
Consultative Committee may also study and offer advice concerning
their national telecommunication problems. The study of such
problems shall be conducted in accordance with No. 122 of this
Convention; where a comparison of technical alternatives is
involved, economic factors may be taken into consideration.

CHAPTER III

General Provisions Regarding International Consultative Committees

ARTICLE 16

Conditions for Participation

- 192 1. The members of the International Consultative
Committees referred to in the relevant provisions of Article 11 of
the Constitution may participate in all the activities of the
Consultative Committee concerned.
- 193 2. (1) Any request from a recognized private operating agency
or scientific or industrial organization to take part in the work
of a Consultative Committee must be approved by the Member
recognizing it. The request should be forwarded by that Member to
the Secretary-General who shall inform all Members and the
Director of that Consultative Committee. The Director of the
Consultative Committee shall advise the recognized private
operating agency of the action taken on its request.
- 194 (2) A recognized private operating agency or scientific or
industrial organization may not act on behalf of the Member which
has recognized it unless that Member informs the Consultative
Committee concerned in each particular case that it is authorized
to do so.
- 195 3. (1) International organizations and regional
telecommunication organizations mentioned in Article 28 of the
Constitution which coordinate their work with the International
Telecommunication Union and which have related activities may be
admitted to participate in the work of the Consultative Committees
in an advisory capacity.
- 196 (2) The first request from an international organization or
regional telecommunication organization mentioned in Article 28 of
the Constitution to take part in the work of a Consultative
Committee shall be addressed to the Secretary-General who shall
inform all the Members by the most appropriate means of
telecommunication and invite them to state whether the request
should be granted; the request shall be granted if the majority of
the replies of the Members received within a period of one month
are favourable. The Secretary-General shall inform all the Members
and the members of the Coordination Committee of the result of the
consultation.
- +197 ~~4. (1) Scientific or industrial organizations, which are
engaged in the study of telecommunication problems or in the
design or manufacture of equipment intended for telecommunication
services, may be admitted to participate in an advisory capacity
in meetings of the study groups of the Consultative Committees,
provided that their participation has received approval of the
administrations of the Members concerned.~~

198

~~(2) Any request from a scientific or industrial organisation for admission to meetings of study groups of a Consultative Committee must be approved by the administration of the Member concerned. The request shall be forwarded by that administration to the Secretary General, who shall inform all the Members and the Director of that Consultative Committee. The Director of the Consultative Committee shall advise the scientific or industrial organisation of the action taken on its request.~~

ARTICLE 17 [69]

Duties of the Plenary Assembly

200

The Plenary Assembly shall:

201

a) consider the reports of study groups and approve, modify or reject the draft recommendations contained in these reports, and take note of the amended or new Recommendations which have already been approved by procedures that may be agreed to by the Plenary Assembly for the approval of new and revised Recommendations between Plenary Assemblies;

202

b) consider existing questions as to whether or not their study should be continued, and prepare a list of the new questions to be studied in conformity with No. 122 of this Convention. In formulating new questions it shall be borne in mind that, in principle, their consideration should be completed in the period which is no longer than twice the interval between two Plenary Assemblies;

203

c) approve the programme of work arising from the considerations in No. 202 of this Convention, determine the order of questions to be studied according to their importance, priority and urgency, bearing in mind the need to keep the demands on the resources of the Union to a minimum;

204

d) decide, in the light of the approved programme of work derived from No. 203 of this Convention whether or not existing study groups should be maintained or dissolved and whether or not new study groups should be set up;

205

e) allocate to study groups the questions to be studied;

206

f) consider and approve the report of the Director on the activities of the Committee since the last meeting of the Plenary Assembly;

207

g) approve, if appropriate, for submission to the Administrative Council, the estimate of the financial needs of the Committee up to the next Plenary Assembly, as submitted by the Director in accordance with No. 236 of this Convention;

- 208 h) when adopting resolutions and decisions, the Plenary
 Assembly should take into account the foreseeable
 financial implications and shall try to avoid adopting
 resolutions and decisions which might give rise to
 expenditure in excess of the upper limits on credits
 laid down by the Plenipotentiary Conference;
- 209 i) to consider [the] reports of [the World Plan Committee
 and] any other matters deemed necessary under the
 provisions of Article 11 of the Constitution and of
 this Chapter.

ARTICLE 18

Meetings of the Plenary Assembly

- 210 1. The Plenary Assembly shall normally meet at a date and
 place fixed by the preceding Plenary Assembly.
- 211 2. The date and place, or either, of the meeting of the
 Plenary Assembly may be changed with the approval of the majority
 of the Members of the Union replying to the Secretary-General's
 request for their opinion.
- 212 3. At each of these meetings, the Plenary Assembly shall
 be presided over by the head of the delegation of the Member in
 whose territory the meeting is held or, in the case of a meeting
 held at the seat of the Union, by a person elected by the Plenary
 Assembly itself. The Chairman shall be assisted by Vice-Chairmen
 elected by the Plenary Assembly.
- 213 4. The Secretary-General shall be responsible for making
 the necessary administrative and financial arrangements, in
 agreement with the Director of the Consultative Committee
 concerned, for meetings of the Plenary Assembly and the study
 groups.

ARTICLE 20

Study Groups

- 218 1. The Plenary Assembly shall set up and maintain as
 necessary study groups to deal with questions to be studied with a
 view to preparing reports and Recommendations. The
 administrations, recognized private operating agencies,
 scientific or industrial organizations international organizations
 and regional telecommunication organizations admitted in
 accordance with Nos. 195 and 196 of this Convention which desire
 to take part in the work of the study groups shall give in their
 names either at the meeting of the Plenary Assembly or, at a later
 date, to the Director of the Consultative Committee concerned.

~~219 2. In addition, and subject to the provisions of Nos 197 and 198 of this Convention, experts of scientific or industrial organisations may be admitted to take part in an advisory capacity in any meeting of any study group.~~

220 3. The Plenary Assembly shall normally appoint a Chairman and one Vice-Chairman of each study group. If the workload of any study group requires, the Plenary Assembly shall appoint such additional Vice-Chairmen as it feels necessary for such study group or groups. In appointing Chairmen and Vice-Chairmen, particular consideration shall be given to the requirements of competence, equitable geographical distribution and the need to promote more efficient participation by the developing countries. If, in the interval between two meetings of the Plenary Assembly, a group Chairman is unable to carry out his duties and only one Vice-Chairman has been appointed, then such a Vice-Chairman shall take the Chairman's place. In the case of a study group for which the Plenary Assembly has appointed more than one Vice-Chairman, the study group at its next meeting shall elect a new Chairman from among such Vice-Chairmen and, if necessary, a new Vice-Chairman from among the members of the study group. It shall likewise elect a new Vice-Chairman if one of the Vice-Chairmen is unable to carry out his duties during that period.

ARTICLE 21

Conduct of Business of Study Groups

- 221 1. Study groups shall conduct their work as far as possible by correspondence.
- 222 2. (1) However, the Plenary Assembly may give directives concerning the convening of any meetings of the study groups that may appear necessary to deal with large groups of questions.
- 223 (2) As a general rule, study groups shall hold no more than two meetings between sessions of the Plenary Assembly, including the final meetings held before that Assembly.
- 224 (3) Moreover, if after a Plenary Assembly a group Chairman considers it necessary for his study group to hold one or more meetings not provided for by the Plenary Assembly to discuss orally questions which could not be solved by correspondence, he may, with the approval of his administration and after consultation with the Director concerned and the members of his study group, suggest a meeting at a convenient place bearing in mind the need to keep expenses to a minimum.

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 331-E

17 June 1989

Original: English

COMMITTEE 10

FIRST SERIES OF TEXTS FROM COMMITTEE 8 TO THE EDITORIAL COMMITTEE

Committee 8 has adopted the attached text, which it submits to the Editorial Committee for consideration and for transmission in due course to the Plenary Meeting.

M.F. DANDATO
Chairman of Committee 8

Annex

ANNEX

RÉSOLUTION No. COM8/1

Use of the United Nations Telecommunication
Network for the Telecommunication
Traffic of the Specialized Agencies

The Plenipotentiary Conference of the International Telecommunications Union
(Nice, 1989),

considering

- a) the Agreement between the United Nations and the International Telecommunication Union in particular Article 16 thereof (Atlantic City, 1947);
- b) Resolution No. 39, of the Plenipotentiary Conference of the International Telecommunication Union (Nairobi, 1982) based on the Secretary-General of the United Nations having, as of 1 January 1954, withdrawn the offer he had formerly made to the specialized agencies to carry their traffic over the United Nations network and Resolution No. 35 of the Malaga-Torremolinos Convention (1973);
- c) the report by the Administrative Council to the Plenipotentiary Conference on the updating of Resolution No. 39 (Nairobi, 1982), annex to Document 47, paragraph 2.2.3,

noting

- a) that in 1985 the Joint Inspection Unit prepared a report on "The changing use of computers in organizations of the United Nations System in Geneva: Management Issues";
- b) that as from 12 May 1989 the Secretary-General of the United Nations has requested that the International Telecommunication Union take such action that would allow the use of the United Nations telecommunication network by the specialized agencies,

resolves

that the United Nations telecommunication network may carry the traffic of the specialized agencies which participate voluntarily on condition that:

1. the specialized agencies would pay for the telecommunications service based on the expenses of operating the service by the UN and tariffs, established by administrations within the framework of current [basic instrument of the Union], Regulations and practices;
2. the use of the network is restricted to the principal organs of the United Nations, the United Nations offices and programmes, and the specialized agencies of the United Nations.
3. the transmissions be limited to those information exchanges in the conduct of the United Nations system business;
4. the operation of the network shall conform with the current [basic instrument of the Union], Regulations and practices,

instructs the Secretary-General

to follow carefully the evolution of the United Nations telecommunication network, to continue cooperation with the United Nations Telecommunication Service and to provide guidance as deemed appropriate;

further instructs the Secretary-General

to transmit the text of this Resolution to the Secretary-General of the United Nations.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 332-E

19 June 1989

Original: French

COMMITTEE 8

REPORT BY THE CHAIRMAN OF WORKING GROUP 8A
TO COMMITTEE 8

In accordance with the terms of reference of Working Group 8A set out in Document DT/41, and after three meetings, I submit the following conclusions to Committee 8 for consideration:

- 1) Adoption of **draft Resolution [A]** relating to the procedure for defining a region.
However, the expressions and paragraphs between square brackets were not the subject of unanimous agreement and are referred to Committee 8 for decision.
- 2) Adoption of **Annex B** in provision 11 of Article 2 of the draft Constitution, as amended.
Attention is drawn to the fact that provision 10 b) of Article 2 entails consideration, at the Committee level, of the Argentine and Canadian proposals in the light of the Resolution adopted.
- 3) Since **Annexes C and D** could have given rise to a lengthy debate in the Working Group, thus depriving the Committee of that time, it was considered preferable to keep both texts within square brackets and refer them to the Committee in order not to waste any of the time available.

B. GNON
Chairman of Working Group 8A

Annexes: A, B, C, D.

ANNEX A

DRAFT RESOLUTION [A]

Procedure for Defining a Region for the Purpose of Convening a [specific]
Regional Administrative Conference

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

recognising

- a) that certain provision of the [draft Constitution and draft Convention] relate to the convening of a regional administrative conference (in particular No. [50 of the draft Constitution and Nos. 16-21, and 167 of the draft Convention]);
- b) that some specific regions and areas are defined in the Radio Regulations;
- c) that a Plenipotentiary Conference and a World Administrative Conference have the competence to define a region for a [specific] regional administrative conference;
- d) that a regional administrative conference may be convened on a proposal by the Administrative Council but there has been no explicit authority for the Administrative Council to take a decision on the definition of a region;

considering

- a) that it may be necessary to define a region for the purpose of convening a [specific] regional administrative conference;
- b) that the Administrative Council provides the most appropriate alternative means of defining a region, when such action is necessary in the interval between appropriate world administrative conferences or Plenipotentiary Conferences;

resolves

- a) that, if and when it becomes necessary to define a region for the purpose of convening a [specific] regional administrative conference, the Administrative Council shall propose a definition of the region;
- b) that all Members of the proposed region shall be consulted on that proposal and all Members of the Union shall be informed of the proposal;

[c) that the region shall be deemed to have been defined when [a majority]
[two thirds] [all] of the Members of the proposed region have responded in the
affirmative;]

d) that the composition of the region shall be communicated to all
Members;

further resolves

that within the [draft Constitution and draft Convention] the term "region"
shall, [except where otherwise stated], include the regions and areas defined in
the Radio Regulations and any region defined under the provisions of this
Resolution.

invites

a) the Administrative Council to take note of this Resolution and take
any appropriate action;

b) the Administrative Council to consider combining, where appropriate,
the consultation of Members on the definition of the region with the consultation
on convening the regional administrative conference.

ANNEX B

Possible modification to Article 2 of the draft Constitution

- 10 b) subject to the provisions of Nos. 122 and 175 of this Constitution, each Member shall have one vote at all ~~conferences of the Union~~ Plenipotentiary Conferences, at all world administrative conferences, at all meetings of the International Consultative Committees and, if it is a Member of the Administrative Council, at all sessions of that Council. At regional administrative conferences, only the Members of the region concerned shall have a vote;
- 11 c) subject to the provisions of Nos. 122 and 175 of this Constitution, each Member shall also have one vote in all consultations carried out by correspondence. In the case of consultations regarding regional administrative conferences only those Members of the region in question shall have a vote.

ANNEX C

DRAFT RESOLUTION [B]

**Rules for Attending Regional Administrative Conferences
by Members Not Belonging to the Region Concerned**

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

considering

a) that, in accordance with [Nos. 50 and 56 of the draft Constitution and No. 167 of the draft Convention] regional administrative conferences may be convened;

b) that Members of the Union not belonging to the region in question may wish to attend such a conference;

c) that, in accordance with [No. 10 of the draft Constitution], Members not belonging to the region may not vote in a regional administrative conference;

d) that, in accordance with [No. 120 of the draft Constitution], only those Members who belong to the region contribute to the full cost of the regional administrative conference,

resolves

a) that any Member of the Union not belonging to the region concerned may attend a regional administrative conference if it so wishes;

b) that such a Member shall have the right to participate as an observer [No. 156 of the draft Convention];

c) that such a Member shall not be liable for contribution to the expenses incurred by the regional administrative conference but shall pay, per set of documents ordered, a documentation fee to be fixed in accordance with the instructions of the Administrative Council pertaining at the time;

d) that the instructions referred to in c) above shall be reviewed periodically by the Administrative Council;

invites the Administrative Council

to take note of this Resolution and take any appropriate action.

ANNEX D

Possible modification to Article 15 of the draft Constitution

- 120 6. Expenses incurred by regional administrative conferences referred to in No. 50 of this Constitution shall be borne by all the Members of the region concerned in accordance with their unit classification. ~~and, where appropriate, on the same basis by any Members of other regions which have participated in such conferences.~~
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PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 333-E

19 June 1989

Original: English

COMMITTEE 10

FOURTH SERIES OF TEXTS FROM COMMITTEE 9
TO THE EDITORIAL COMMITTEE

On behalf of Committee 9, I take pleasure in transmitting to the Editorial Committee this fourth series of texts unanimously adopted by Committee 9, i.e.:

- Article 39

of the draft Constitution for consideration by Committee 10 and forwarding them to the Plenary Meeting. These texts are contained in the Annex to the present document.

H.H. SIBLESZ
Chairman of Committee 9

Annex: 1

A N N E X

ARTICLE 39

Acession

- MOD 177 1. A Member which is not a signatory to this Constitution and the Convention or any other State, referred to in Article 1 of this Constitution and subject to the provisions thereof, may accede thereto at any time. Such accession shall be made simultaneously in the form of one single instrument covering both this Constitution and the Convention.
- MOD 178 2. The instrument of accession shall be deposited with the Secretary-General. The Secretary-General shall notify the Members of each deposit of any such instrument when it is received and shall forward to each of them a certified copy thereof.
- ADD 178bis 3. After the entry into force of this Constitution and the Convention in accordance with Article 46 of this Constitution, an instrument of accession shall become effective on the date of its deposit with the Secretary-General, unless otherwise specified therein.

**PLENIPOTENTIARY
CONFERENCE**

NICE, 1989

Document 334-E
20 June 1989

B.7

PLENARY MEETING**SEVENTH SERIES OF TEXTS SUBMITTED BY THE
EDITORIAL COMMITTEE TO THE PLENARY MEETING**

The following texts are submitted to the Plenary Meeting for first reading:

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM.6	324	Resolutions Nos. COM6/1 (Ref. Res. No. 34, Nairobi, 1982) COM6/2 (Ref. Res. No. 17, Nairobi, 1982) COM6/3 (Ref. Res. No. 25, Nairobi, 1982) COM6/4 (Ref. Res. No. 31, Nairobi, 1982) COM6/5 (Ref. Res. No. 35, Nairobi, 1982) COM6/6 (Ref. Res. No. 23, Nairobi, 1982) COM6/7 (Ref. Res. No. 22, Nairobi, 1982) COM6/8 (Ref. Res. No. 26, Nairobi, 1982) COM6/9 COM6/10 (Ref. Res. No. 29, Nairobi, 1982) COM6/11 (Ref. Res. No. 19, Nairobi, 1982) COM6/12 (Ref. Res. No. 27, Nairobi, 1982) COM6/13 (Ref. Res. No. 30, Nairobi, 1982) COM6/14 (Ref. Res. No. 28, Nairobi, 1982) COM6/15 (Ref. Res. No. 16, Nairobi, 1982) COM6/16
COM.8	331	Resolution No. COM8/1 (Ref. Res. No. 39, Nairobi, 1982)

M. THUE

Chairman of Committee 10

Annex: 31 pages

RESOLUTION No. COM6/1

Role of the International Telecommunication Union in the
Development of World Telecommunications

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

considering

a) the provisions of the International Telecommunication [Convention]
(Nice, 1989) together with those of the International Telecommunication Regulations,
(Melbourne, 1988), and the Radio Regulations annexed thereto;

b) the recommendations of the [CCIR and of the CCITT];

considering also

c) that together these instruments are essential to provide the technical
foundations for the planning and provision of telecommunication services throughout the
world;

d) that the pace of development of technology and services necessitates the
continuing cooperation of all administrations and private operating agencies to ensure
the world-wide compatibility of telecommunications;

e) that the availability of modern telecommunications is vital to the
economic, social and cultural progress of all countries,

recognizing

the interests of the United Nations Educational, Scientific and Cultural
Organization (UNESCO), the International Civil Aviation Organization (ICAO), the
International Maritime Organization (IMO), the International Organization for
Standardization (ISO), the International Electrotechnical Commission (IEC) [the General
Agreement on Tariffs and Trade (GATT)] and other specialized agencies in certain
aspects of telecommunications,

resolves

that the International Telecommunication Union should:

1. continue to work for the harmonization, development and enhancement of
telecommunications throughout the world;

2. ensure that all its work reflects the position of the ITU as the authority
responsible within the United Nations family for establishing in a timely manner
technical and operational standards for all forms of telecommunication and for
effecting the rational use of the radio frequency spectrum and of the geostationary-
satellite orbit;

3. encourage and promote technical cooperation in the field of
telecommunications among Members to the maximum possible extent.

RESOLUTION No. COM6/2

Inter-Country Projects Financed by the United Nations Development Programme (UNDP) in the Field of Telecommunications

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

having noted

the sections of the report of the Administrative Council which deal with the technical cooperation activities of the Union (Document 47) and the report on "The changing nature of ITU technical cooperation and related field activities" (Document 33),

emphasizing

that, telecommunication services are a basic service for any country and to a large extent are also of an inter-country nature needing the same degree of sophistication in regard to technical facilities and to staff training in all countries to achieve successful operation of international telecommunication services and for the management of the radio frequency spectrum,

recognizing

that, in many of the developing countries, the national resources in respect of equipment, operational arrangements and national staff continue to be inadequate to ensure telecommunication services of an acceptable quality and at reasonable rates,

recognizing also

a) the importance of regional telecommunication cooperation, and the necessity to maximize it in order to foster in particular telecommunication development so as to facilitate and speed up development in other sectors as emphasized by "The Missing Link";

b) that the UNDP and particularly its inter-country programme is one of the valuable means of assisting the developing countries to improve their telecommunication services,

expressing its appreciation

of the consideration given to this matter in certain regions by the UNDP in making available to the ITU allocations for inter-country projects of technical cooperation to developing countries, noting however that these allocations do not adequately meet some regions' aspirations,

resolves to invite the UNDP

with a view to strengthening technical cooperation in the telecommunication sector and thereby contributing significantly to an accelerated pace of integration and development, to consider favourably a sufficient increase of the allocations to inter-country projects of assistance and to sectoral support activities in this sector;

invites Member Governments

to pursue this matter appropriately with a view to achieving the objective of this Resolution;

invites those Members of the Union which are also Members of the Governing Council of the UNDP

to make favourable consideration of this Resolution possible in that Council.

RESOLUTION No. COM6/3

**Application of Science and Telecommunication Technology in the
Interest of Developing Countries**

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

in view of

the provisions of various resolutions adopted by the Economic and Social Council
and by the General Assembly of the United Nations for the purpose of expediting the
application of science and technology in the interest of developing countries,

considering

that the International Telecommunication Union should, in its own field,
associate itself in every way possible with efforts being thus undertaken by the
organizations of the United Nations family,

having noted

the section of the report of the Administrative Council (Document 47) which
deals with the action taken in application of Resolution No. 25 of the Plenipotentiary
Conference (Nairobi, 1982),

instructs the Administrative Council

to take the necessary measures, within the limit of the available resources, to
ensure that the Union:

1. cooperates to the greatest extent possible with the appropriate organs of
the United Nations;
2. contributes to the greatest extent possible to expediting the transfer to,
and assimilation in, the developing countries of the scientific knowledge and
technological expertise in telecommunication, which are available in technically more
advanced countries, by the publication of appropriate handbooks and other documents;
3. bears this Resolution in mind in its technical cooperation activities in
general.

RESOLUTION No. COM6/4

Training of Refugees

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

having noted

a) United Nations General Assembly Resolution 36/68 on the implementation of the declaration on the granting of independence to colonial countries and peoples and other resolutions relevant to assistance to refugees;

b) the section of the report of the Administrative Council (Document 47) which deals with the action taken in application of Resolution No. 31 of the Plenipotentiary Conference (Nairobi, 1982),

requests the Secretary-General

1. to continue his efforts with a view to the application of the United Nations Resolution;

2. to collaborate fully with the organizations concerned with the training of refugees, both within and outside the United Nations system;

invites administrations of Members

to do even more to receive certain selected refugees and to arrange for their training in telecommunications in professional centres or schools.

RESOLUTION No. COM6/5

International Programme for the Development of Communication

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

recalling

a) the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10 December 1948;

b) Resolutions 31/139 and 33/115 adopted by the United Nations General Assembly on 16 December 1976 and on 18 December 1978, respectively;

c) the recommendations of the Intergovernmental Conference for Cooperation Activities, Needs and Programmes for Communication Development (Paris, April 1980), and in particular Recommendation viii) of part III of the report of this Conference;

d) Resolution No. 4.21 of the 21st Session of the United Nations Educational, Scientific and Cultural Organization (UNESCO) General Conference (Belgrade, 1980), establishing the International Programme for the Development of Communication (IPDC),

recognizing

a) the importance of the cooperation between the Union and UNESCO for the effective development of the IPDC activities;

b) the good results being achieved through the ITU/IPDC joint efforts concerning the development of broadcasting in Africa;

c) the importance of providing adequate telecommunication infrastructure to meet the objectives of the IPDC;

d) the necessity of maintaining continuous liaison between the Union and the various UNESCO units involved in the work of the IPDC,

reaffirming

the primordial role played in the field of telecommunications within the United Nations system by the Union, which is the main international forum for the consideration and promotion of international cooperation for the improvement and rational use of telecommunications of all kinds,

approves

the measures taken by the Secretary General for the enhancement of the participation of the Union in the work of the IPDC through the Special Voluntary Programme;

resolves

that the Administrative Council and the Secretary-General shall maintain and support the Union's participation in the IPDC, including its Intergovernmental Council, this participation also being directly related to the Union's activities in rendering technical assistance to developing countries;

requests countries Members of UNESCO

to make available greater resources for the telecommunication components of IPDC projects contributing to the development of all communications facilities, set up to improve the quality of life in the developing countries;

instructs the Secretary-General

1. to report to the Administrative Council on the development of these activities;
2. to bring this Resolution to the attention of the United Nations General Assembly, the Intergovernmental Council of the IPDC and the Director General of UNESCO;

instructs the Administrative Council

to study the reports submitted by the Secretary-General and to take appropriate action to assure technical support by ITU for the work of the IPDC by including in the annual budget of the Union appropriate credits for maintaining liaison with the Intergovernmental Council, the Secretariat of IPDC and the UNESCO units involved in the work of IPDC.

RESOLUTION No. COM6/6

Recruitment of Experts for Technical Cooperation Projects

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

considering

a) the importance of recruiting highly qualified and experienced experts for the successful conduct of the Union's technical cooperation activities;

b) the increasing difficulties encountered in such recruitment, both quantitatively and qualitatively;

c) the growing demand for highly specialized expertise over short periods both in traditional and new services,

having noted

a) that the Union's needs for well qualified experts and the conditions of their recruitment are not adequately disseminated within the countries which are in a position to make available such experts;

b) the section of the report by the Administrative Council (Document 47) which deals with the action taken in application of Resolution No. 23 of the Plenipotentiary Conference (Nairobi, 1982),

considering further

the great importance of strengthening technical cooperation among developing countries,

wishes to express

its gratitude to the Members which have provided experts from their countries for technical cooperation projects;

invites the Members of the Union

1. to increase their efforts to explore all sources of candidates for expert posts among the staffs, both active and retired, of administrations, recognized operating agencies, industry, universities, and training institutions and scientific and research bodies, etc. by giving the widest possible publicity to the information concerning vacancies and through direct contacts with these potential sources of expertise;

2. to facilitate to the maximum the secondment of the candidates chosen and their reintegration at the end of their mission so that their period of absence does not prove a handicap in their careers;

3. to continue to offer, free of charge, lecturers and the necessary services for seminars organized by the Union;

invites the developing countries Members of the Union

to take particular account of candidates presented by other developing countries provided they meet the requirements;

instructs the Secretary-General

1. to pay the greatest possible attention to the qualifications, experience and aptitudes of candidates for vacant expert posts when drawing up lists of experts for submission to beneficiary countries;

2. not to impose age limits on candidacies for expert posts but to make sure that candidates who have passed the retirement age fixed in the United Nations Common System are fit enough to perform the tasks listed in the vacancy notice;

3. to establish, and disseminate, on a monthly basis, a list of vacant expert posts which are to be filled during the forthcoming months and to provide information on conditions of service;

4. to continue to keep up to date the register of potential candidates for expert posts with due emphasis on specialists for short-term missions;

5. to submit each year to the Administrative Council a report on the measures adopted in pursuance of this Resolution and on the evolution of the expert recruitment problem in general;

invites the Administrative Council

to follow with the greatest attention the question of expert recruitment and to adopt the measures it deems necessary to obtain the largest possible number of candidates for expert posts advertised by the Union for technical cooperation projects on behalf of the developing countries.

RESOLUTION No. COM6/7

**Improvement of Union Facilities for Rendering
Technical Assistance and Advice to Developing Countries**

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

having taken note

of the sections of the reports of the Administrative Council which dealt with
the action taken on the implementation of resolutions, etc., relating to Technical
Cooperation Activities of the Union (Document 47) and The Changing Nature of ITU
Technical Cooperation (Document 33),

recognizing

the technical assistance rendered to developing countries in pursuance of
Resolution No. 22 of the Plenipotentiary Conference (Nairobi, 1982),

considering

a) that the volume of the Union's technical assistance needs to be increased
and the quality further improved;

b) that in many cases the developing countries, and in particular the newly
independent countries, need advice of a highly specialized nature and that such advice
must often be obtained at short notice;

c) that technical knowledge and experience of great value to the developing
countries is also obtainable from or through the [International Consultative Committees
and the International Frequency Registration Board (IFRB)],

resolves

1. that the duties of the [Group of Engineers] shall be:

1.1 to work with the specialized secretariats of the [International
Consultative Committees and the IFRB] in providing information and
advice on subjects of importance to developing countries for the
planning, organization, development and operation of their
telecommunication systems;

1.2 [at administrations' request, to prepare standard technical
specifications for the most commonly used equipment;]

- 1.3 to give prompt and constructive advice, either by correspondence or by mission, in response to practical questions addressed to it by developing countries, Members of the Union;
- 1.4 to provide an opportunity for expert and high-level consultation for senior personnel from developing countries visiting the seat of the Union;
- 1.5 to participate in seminars and courses organized at the seat of the Union or elsewhere on specialized aspects of telecommunication subjects;
- 1.6 to provide technical advice to the divisions of the [Technical Cooperation Department] related to the activities of these divisions;

2. that highly qualified experts shall be recruited, as needed, for periods normally not exceeding one month at a time in order to complement the expertise provided by the [Group of Engineers];

instructs the Secretary-General

to include in the annual reports to the Administrative Council:

1. the specialities and the type of assistance required from the [Group of Engineers] by the developing countries, taking into account the rapid changes in technology;
2. his appraisal of the volume and quality of the technical assistance provided and mentioning any difficulties encountered in meeting these requests;

instructs the Administrative Council

1. to consider the Secretary-General's annual reports and to take all necessary measures in order to meet the requests for the services of the [Group of Engineers];
2. to include in the annual budget of the Union the credits necessary for the proper functioning of the [Group of Engineers] and a global amount to cover the estimated costs of the services of the short-term experts mentioned in resolves 2;
3. to follow closely the development of the volume and quality as well as the type of technical assistance provided by the Union in application of this Resolution.

RESOLUTION No. COM6/8

ITU Regional Presence

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

recognizing

- a) the important role the ITU plays in the promotion and development of telecommunications networks and services in all Member countries;
- b) the contribution which the activities of the Union in the area of technical cooperation and assistance make towards the achievement of this objective in developing countries;
- c) the need for close and continuing contacts between the Union and all countries in the various geographical regions and the interactive benefits thereof;
- d) the importance of responding adequately to the growing requirements of individual countries, sub-regions and regions with regard to information, advice and assistance in the realm of telecommunications;
- e) that in carrying out these activities, all the permanent organs would have to play the appropriate role;
- f) that the Union's role as executing agency of the United Nations Development Programme is an essential component in the achievement of these objectives;
- g) that these objectives are already being furthered by Area and Senior Regional Representatives;
- h) that the pace of development of telecommunication services of the developing countries in various regions needs to be accelerated in future years,

considering

a) that the report of the Administrative Council on the "Changing Nature of ITU Technical Cooperation and Related Field Activities" (Document 33) has highlighted the need, in view of the encouraging results obtained, to strengthen the Union's regional presence and to increase its effectiveness in order to enhance the assistance to developing countries for the expansion and improvement of their networks and services through better use of the Union's standards and regulations and other related actions;

b) the need for the Union to comply with United Nations guidelines concerning the regional presence of specialized agencies of the United Nations,

resolves

that a stronger presence of the Union is required in the regions to increase its efficiency and enhance the assistance to Member countries and especially the developing ones;

instructs the Secretary-General

1. to carry out the necessary studies with the aim of strengthening the ITU regional presence in the light of various other relevant decisions of this Conference for implementing this Resolution;
2. to submit a report including recommendations to the Administrative Council as early as possible;

instructs the Administrative Council

1. to consider the report of the Secretary-General;
2. to consult as necessary Member administrations;
3. to decide on further appropriate steps to give effect to the recommendations accepted or modified by it, with due regard to the Union's budgetary situation and taking into account the United Nations guidelines concerning the regional presence of specialized agencies;
4. to evaluate the efficiency of the regional presence as part of its annual review of the Union's activities;
5. to submit a report to the next Plenipotentiary Conference on the results achieved and difficulties encountered.

RESOLUTION No. COM6/9

Regional [and World] Telecommunication Development Conferences

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

recalling

that one of the purposes of the Union is to coordinate efforts to harmonize the development of telecommunication facilities with a view to full advantage being taken of their possibilities,

considering

a) the need for balanced growth and global compatibility in the development of telecommunication facilities and services;

b) the need for periodic review of the progress in development of telecommunications at national and regional levels for the purpose of exchanging views and experience and for comparing the strategies for their future growth;

c) the need for evolution of new ideas for enhancing the integration and effectiveness of telecommunication networks;

d) the need for the involvement of, and coordination with, various interested regional and international agencies in achieving satisfactory development of this sector,

considering also

that all Members recognize the need to cooperate for the purpose of harmonizing the growth of regional and world-wide telecommunication networks so as to serve the best interests of mankind,

recognizing

the central role of improved telecommunications as an engine for socio-economic development,

having taken note of

the recommendations in the report "The Missing Link" for review by the developing countries of national development plans with a view to assigning a sufficiently high priority to investments in telecommunications, and the emphasis which the report places on regional cooperation and concerted endeavours for collective actions designed to achieve a progressively self-reliant development of telecommunications,

resolves

that the International Telecommunication Union shall convene regional [and world-wide] telecommunication development conferences at appropriate intervals to foster international cooperation in harmonizing and furthering the development of telecommunication facilities and services;

instructs the Secretary-General

to prepare detailed proposals, in consultation with the Members and interested agencies, for convening one development conference in each region [and one on a world-wide basis,] in the interval between two Plenipotentiary Conferences and to make preparations for convening them;

instructs the Administrative Council

1. to establish the agenda for these conferences and to make funds available under the ordinary budget for their implementation;

2. to review the results achieved and to take all necessary steps to ensure the implementation of the recommendations emerging from these conferences;

requests Members

to afford every cooperation and assistance to the Secretary-General in the holding and conducting of these conferences.

RESOLUTION No. COM6/10

Standards for Human Resources Management/Development (HRM/HRD)

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

having examined

the question of the development of human resources for telecommunications and the training of telecommunication staff on the basis of the information provided in the relevant sections of the Report of the Administrative Council (Document 47) and the report on "The Changing Nature of ITU Technical Cooperation and Related Field Activities" (Document 33),

expresses its satisfaction

with the results so far achieved in the realization of the objectives set out in Resolution No. 29 of the Plenipotentiary Conference (Nairobi, 1982),

notes with appreciation

the support extended to the Union in the implementation of the above Resolution by its Members and by the United Nations Development Programme,

considering

that the rapid and effective introduction of new technologies into telecommunication systems requires:

- a) compatible equipment at both ends and at transit offices;
- b) equivalent technical/management training and appropriate linguistic fluency of technical and operational personnel,

considering also the importance of

- a) further improving the quality of training of telecommunication personnel;
- b) further improving the quality of human resources management in telecommunication organizations;

c) establishing and disseminating HRM/HRD standards for the different categories of personnel involved in the construction, operation and maintenance of telecommunication equipment and systems;

d) the efficient coordination of training activities and course development on management and development of telecommunication personnel at the national, regional and interregional levels,

convinced

of the importance of the development of human resources for telecommunications and of the need for technical and management training to enable developing countries to accelerate the introduction and application of appropriate technology,

instructs the Secretary-General

for the purpose of attaining the objectives listed under the considerations:

1. to continue to develop training standards, and to develop standards in other domains of human resources management, in particular:

- 1.1 by participating in research relating to HRM/HRD (including training) conducted by United Nations specialized agencies and by other organizations;
- 1.2 by investigating the possibilities of utilizing modern training methodologies and new telecommunication technologies, especially in solving the HRM/HRD problems of developing countries;
- 1.3 by holding meetings of working groups on HRM/HRD standards;
- 1.4 by updating and improving all the guides and manuals prepared up to the present to improve training activities, and by developing new manuals and guides for the remainder of the activities involved in HRM/HRD, taking into account the experience gained through the application of the existing documents;

2. to promote task-oriented training, to advise administrations, on request, on the most suitable methods for human resources management (including training) and to assist them in applying the methods recommended;

3. to contribute further to the training of staff responsible for management of human resources in telecommunications (managers of different human resources activities, instructors, course developers, etc.) and to instruct ITU human resources experts in the use of current ITU human resources standards;

4. to assist in the interregional coordination of HRM/HRD activities, in particular:

4.1 by cooperating with regional telecommunication organizations and with associated organizations for human resources management and training;

4.2 by promoting the creation of regional or subregional resource or training centres and the use in these centres of the methods and standards for HRM/HRD recommended by the ITU;

4.3 by facilitating the interchange of information and experience on HRM/HRD (including management of training);

5. to continue developing and maintaining an international system for sharing of resources pertaining to HRM/HRD (including training materials and equipment) and other relevant information, in order to facilitate cooperation between countries;

6. to continue to facilitate, within the framework of technical cooperation activities, the exchange of human resources managers, instructors, trainees and training material between administrations;

7. to maintain up-to-date information on the results achieved by the sharing system;

8. to propose to the Administrative Council the organizational and staffing arrangements needed to attain the objectives specified in this Resolution;

instructs the Administrative Council

1. to consider the recommendations submitted to it by the Secretary-General with a view to providing adequate means and credits to attain the objectives specified in this Resolution;

2. to review at its annual sessions the arrangements and their development and progress, and to take the necessary steps to ensure the attainment of the objectives of this Resolution;

invites Members of the Union

to participate and assist to the greatest possible extent in the implementation of this Resolution.

RESOLUTION No. COM6/11

Special Voluntary Programme for Technical Cooperation

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

recognizing

a) the fundamental role of telecommunications in the achievement of balanced economic and social development;

b) the interest of all Members in the expansion of world-wide networks based on well-developed national telecommunication networks,

and in particular

c) the need to bring a telephone within easy reach of all mankind by the early part of the next century and hence;

d) the requirement for specific technical assistance in many countries in order to improve the capacity and efficiency of their telecommunication equipment and networks, and thereby narrow the large gap between the developing and developed countries,

considering

that the needs of the developing countries for technical cooperation and assistance to improve their national networks cannot be fully satisfied by the funds allocated in the regular budget of the Union to this purpose nor by the insufficient allocation of funds from the United Nations Development Programme to telecommunications projects executed by the ITU,

considering also

that the Union can play a very useful catalytic role in identifying development projects and bringing them to the attention of bilateral and multilateral programme managers with a view to a better matching of resources to needs,

resolves

to maintain and strengthen the special voluntary programme for technical cooperation based on financial contributions, expert services, or in any other form to meet as many of the telecommunication requests of developing countries as possible;

urges Member countries, their recognized private operating agencies, scientific or industrial organizations and other entities and organizations

to support the Special Voluntary Programme by making available the required resources in whatever form may be convenient to meet the telecommunications needs of the developing countries more effectively;

instructs the Secretary-General

1. to ascertain the specific types of technical cooperation and assistance required by developing countries and suited to this Special Voluntary Programme;
2. actively to seek wide support for the programme and regularly to publish the results for the information of all the Members of the Union;
3. within existing resources, to provide the necessary administrative and operational structure for the functioning of the Programme;
4. to ensure proper integration of the programme with other technical cooperation and assistance activities;
5. to submit to the Administrative Council an annual report on the development and management of the Programme;

instructs the Administrative Council

to review the results achieved by the programme and take all steps necessary to promote its continued success.

RESOLUTION No. COM6/12

Special Measures for the Least Developed Countries

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

considering

the United Nations General Assembly Resolution 36/194 of 17 December 1981, which adopted the "Substantial New Programme of Action for the 1980s for the Least Developed Countries" established by the United Nations Conference on the Least Developed Countries (Paris, September 1981) and the section of report of the Administrative Council (Document 47) which deals with the action taken in application of Resolution No. 27 of the Plenipotentiary Conference (Nairobi, 1982),

recognizing

the importance of telecommunications for the development of the countries concerned,

instructs the Secretary-General

1. to continue to review the state of telecommunication services in the least developed countries identified by the United Nations and needing special measures for telecommunication development;
2. to report his findings to the Administrative Council;
3. to propose concrete measures intended to bring about genuine improvements and provide effective assistance to these least developed countries from the Special Voluntary Programme for Technical Cooperation, the Union's own resources and other sources;
4. to report annually on the matter to the Administrative Council;

instructs the Administrative Council

1. to consider the above-mentioned reports and take appropriate action so that the Union may continue to display its active interest and cooperation in the development of telecommunication services in these countries;
2. to make appropriations for the purpose from the Special Voluntary Programme for Technical Cooperation, the Union's own resources and other sources;
3. to keep the situation under constant review and to report on the matter to the next Plenipotentiary Conference.

RESOLUTION No. COM6/13

ITU Training Fellowship Programme

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

recognizing

that a similar level of technical competence throughout the world is important
for successful global communications,

considering

a) the importance, for technical cooperation activities, of providing highly
applicable programmes to recipients of ITU Fellowships;

b) the difficulties encountered in ensuring such applicability,

having noted that

a) fellowship requirements delineated in nomination forms may vary from
country to country for similar fields of training;

b) the cost of specialized programmes is frequently high and, consequently,
prohibitive to recipient countries having limited UNDP funds;

c) candidates sometimes have insufficient knowledge of an appropriate
language to derive maximum benefit from a training programme,

wishes to express

its gratitude to the administrations which have provided fellowship programmes
for technical cooperation projects;

urges donor/host countries

1. to make every effort to identify sources of training for ITU Fellows in
their administrations, industry and training institutions, by giving the widest
possible publicity to information concerning the needs of recipient countries;

2. to make every effort to provide programmes that address the needs of
recipient countries and to keep the Secretary-General apprised of programmes that are
available to meet these needs;

3. to continue to offer, at no cost or as little cost as possible to the
Union, the most applicable training to fellowship holders;

urges the recipient countries

1. to ensure that candidates have a working knowledge of the language in
which the programme will be conducted, it being understood that in some cases special
arrangements could be made with the donor/host country;

2. to endeavour to provide fellowship nominations well in advance of the time when the training is due to begin;

3. to ensure that candidates are briefed on the duration and content of their fellowship programmes as conveyed by the host country to the ITU;

4. to ensure that candidates have familiarized themselves with the "Administrative Guide for ITU Fellows";

5. to employ the fellow upon return in the most appropriate manner so as to derive the maximum benefit from the training received;

instructs the Secretary-General

1. to pay the greatest possible attention to consolidating similar needs when submitting requests for fellowship programmes to host countries;

2. to continue to develop and publish information describing a set of standardized training requirements at appropriate skill levels that will meet the typical needs of developing countries;

3. to establish and keep up to date a data base of fellowship opportunities that are available in host countries in the year to come; this information will be available to Members on request;

4. to submit requests for fellowship programmes to host countries as far as possible well in advance of the time frame required for the programme;

invites the Administrative Council

to follow with great attention the question of providing the most applicable training to ITU Fellows in the most cost-effective manner.

RESOLUTION No. COM6/14

Seminars

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

recognizing

a) that for the staff of Member administrations, particularly in the developing countries, seminars are a valuable means of acquiring knowledge of the latest developments in telecommunication techniques and of comparing experience;

b) that this ITU activity should be continued and expanded,

having noted

the section of the report of the Administrative Council (Document 47) which deals with the action taken in application of Resolution No. 28 of the Plenipotentiary Conference (Nairobi, 1982),

thanks

administrations which have already organized or which intend to organize seminars and which provide at their own expense qualified lecturers or discussion leaders for this purpose;

urges administrations

to continue and intensify their efforts in this direction in coordination with the Secretary-General;

instructs the Secretary-General

1. to coordinate the efforts of the Members of the Union which plan to organize seminars with a view to avoiding duplication and overlapping, paying particular attention to the languages used;

2. to ascertain and provide information on the subjects which should be dealt with by seminars;

3. to promote or to organize seminars within the limits of available funds;

4. constantly to improve the effectiveness of these seminars in the light of experience;

5. to make *inter alia* the following arrangements:

5.1 publish the preliminary and final documents of seminars and forward them in good time to the administrations and participants concerned by the most appropriate means;

5.2 take appropriate action following these seminars;

6. to submit an annual report to the Administrative Council and to make proposals to it with a view to ensuring the effective attainment of the objectives referred to above, bearing in mind the opinions expressed by the Conference and the available credits;

requests the Administrative Council

to take account of the proposals of the Secretary-General and to ensure that appropriate credits are included in the annual budgets of the Union to permit the accomplishment of the tasks envisaged in this Resolution.

RESOLUTION No. COM6/15

**Participation of the Union in the
United Nations Development Programme (UNDP)
and in Other Programmes of the United Nations System**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

having noted

the sections of the report of the Administrative Council which deal with the technical cooperation activities of the Union (Document 47) and the report on "The Changing Nature of ITU Technical Cooperation and Related Field Activities" (Document 33),

having endorsed

the action taken by the Administrative Council in application of Resolution No. 16 of the Plenipotentiary Conference (Nairobi, 1982) as regards participation of the Union in the United Nations Development Programme (UNDP),

having expressed

its appreciation of the consideration given by the UNDP to the development of telecommunications,

resolves

1. that the Union, as part of its dual function as the United Nations specialized agency for telecommunications and the UNDP executing agency, shall continue its full participation in the UNDP within the framework of the [Convention] and under the conditions established by the UNDP Governing Council or by other competent bodies of the United Nations system;
2. that the cost of the administrative and executing services resulting from the Union's participation in the UNDP shall be included in a separate part of the budget of the Union, on the understanding that the support cost payments from the UNDP shall be included as income in that part of the budget;
3. that the support cost payments received from the UNDP shall not be taken into consideration in fixing the limits of the Union's ordinary budget;

4. that the Union's auditors shall check all the expenditures and income relative to participation of the Union in the UNDP;

5. that the Administrative Council shall also examine these expenditures and take whatever steps it deems appropriate to ensure that the funds thus assigned by the UNDP are used exclusively for administrative and executing service costs;

instructs the Secretary-General

1. to present each year to the Administrative Council a detailed report on the participation of the Union in the UNDP;

2. to submit to the Administrative Council such recommendations as he may deem necessary to improve the efficiency of this participation;

instructs the Administrative Council

1. to take all necessary measures to ensure the maximum efficiency of the Union's participation as a partner in the UNDP;

2. to take into account the decisions of the Governing Council of the UNDP with regard to support cost payments for the executing agencies, when establishing the credits required to cover the total administrative and executing service costs to be incurred as a result of the Union's participation in the UNDP.

RESOLUTION NO. COM6/16

**Apportionment of Revenues in Providing
International Telecommunication Services**

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

considering

- a) the importance of telecommunications for the social and economic development of all countries;
- b) that the International Telecommunication Union has an important role to play in promoting the universal development of telecommunications;
- c) that the Independent Commission for World-Wide Telecommunications Development, in its report "The Missing Link", recommended, inter alia, that States Members of the ITU should consider setting aside a small portion of revenues from calls between developing and industrialized countries to be devoted to telecommunications in developing countries;
- d) that CCITT Recommendation D.150, which provides for the apportionment of accounting revenues from international traffic between terminal countries, in principle on a 50/50 basis, was amended at the VIIIth CCITT Plenary Assembly, as confirmed at the IXth Plenary Assembly, to provide for sharing in a different proportion in some cases where there are differences in the costs of providing and operating telecommunication services;
- e) that the ITU, to assist administrations and as a follow-up to the Recommendation in "The Missing Link", carried out a study of the costs of providing and operating telecommunications services between developing and industrialized countries;
- f) that, in accordance with instructions contained in Resolution No. PL/3 of the World Administrative Telephone and Telegraph Conference (Melbourne, 1988), the Secretary-General has taken action to continue the said study;
- g) that, as indicated in the Secretary-General's report (Document 106), the study is progressing in accordance with the conclusions reached at a meeting of administrations specially convened by him to facilitate an exchange of views on the matter;
- h) that the study is programmed for completion before the middle of 1990,

resolves

that, should this study lead to the application in particular cases of accounting rates other than on a 50/50 basis, the developing countries concerned should be able to use the resulting additional revenues for the improvement of their telecommunications, including, if necessary, and so far as possible, assistance to the Centre for Telecommunications Development;

invites administrations

1. to extend full cooperation to the Secretary-General in carrying out and completing this study;
2. to consider, in the light of the findings of the study, taking such action as may be deemed appropriate and, if necessary, to request the Secretary-General for any assistance in this regard;

instructs the Secretary-General

1. to circulate the report on the study, on completion, to all Member administrations;
2. to extend any further assistance to administrations, if so requested.

RESOLUTION No. COM8/1

Use of the United Nations Telecommunication
Network for the Telecommunication
Traffic of the Specialized Agencies

The Plenipotentiary Conference of the International Telecommunications Union (Nice, 1989),

considering

a) the Agreement between the United Nations and the International Telecommunication Union (Atlantic City, 1947), in particular Article 16 thereof;

b) Resolution No. 39 of the Plenipotentiary Conference (Nairobi, 1982), based on the Secretary-General of the United Nations having, as of 1 January 1954, withdrawn the offer he had formerly made to the specialized agencies to carry their traffic over the United Nations network, and Resolution No. 35 of the Plenipotentiary Conference (Malaga-Torremolinos, 1973);

c) the report by the Administrative Council to the Plenipotentiary Conference on the updating of Resolution No. 39 of the Plenipotentiary Conference (Nairobi, 1982) (section 2.2.3 of the annex to Document 47),

noting

a) that in 1985 the Joint Inspection Unit prepared a report on "The changing use of computers in organizations of the United Nations system in Geneva: Management Issues";

b) that, as from 12 May 1989, the Secretary-General of the United Nations has requested that the International Telecommunication Union take such action as would allow the use of the United Nations telecommunication network by the specialized agencies,

resolves

that the United Nations telecommunication network may carry the traffic of the specialized agencies which participate voluntarily on condition that:

1. the specialized agencies pay for the telecommunications service on the basis of the cost of operation of the service by the United Nations and tariffs established by administrations within the framework of the current [basic instrument of the Union], Regulations and practices;

2. the use of the network is restricted to the principal organs of the United Nations, the United Nations offices and programmes, and the specialized agencies of the United Nations;

3. the transmissions are limited to information exchanges concerned with the conduct of the business of the United Nations system;

4. the network is operated in conformity with the current [basic instrument of the Union], Regulations and practices;

instructs the Secretary-General

to follow carefully the evolution of the United Nations telecommunication network, to continue cooperation with the United Nations telecommunication service and to provide guidance as appropriate;

further instructs the Secretary-General

to transmit the text of this Resolution to the Secretary-General of the United Nations.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 335-E

22 June 1989

Original: English

United States of America

STATEMENT RELEVANT TO THE SPEECH OF THE REPRESENTATIVE
OF CUBA AT THE NINTH PLENARY MEETING

On 30 May 1989 the representative of the Cuban Government attempted to politicize the proceedings of this Conference by devoting most of her opening speech to making numerous unsubstantiated and false charges against the United States. We are writing to correct the record.

Contrary to the Cuban representative's erroneous allegation, United States Voice of America (VOA) medium frequency broadcasting to Cuba complies fully with the North American Regional Broadcasting Agreement (NARBA), the 1981 Region 2 MF Broadcasting Agreement, and the Radio Regulations of the ITU. The VOA station broadcasting on 1 180 kHz has been broadcasting for many decades and is registered with the International Frequency Registration Board (IFRB).

The United States is preparing to conduct experimental tests to determine the feasibility of television broadcasting to Cuba. We intend to carry out the tests and operate any resulting television transmissions in a manner consistent with our international obligation to avoid harmful interference to existing broadcasts. All people who support the free flow of information must totally reject Cuban Government attempts to attack legitimate international broadcasting for "interfering in internal Cuban affairs". Indeed, the Cuban Government itself broadcasts to other countries in the MF broadcasting band. The programme content of the VOA's "Radio Marti", the proposed "TV Marti", or any other station cannot be a matter for debate. As reflected in Article 19 of the United Nations Universal Declaration of Human Rights, all people enjoy the right to seek, receive, and impart information and ideas through any media, regardless of frontiers.

Licensed broadcasting from United States territory does not cause harmful interference to registered Cuban stations. While, from time to time, private individuals make extra-legal radio broadcasts to Cuba, my Government continues to make every effort to enforce United States laws against such unauthorized transmissions. In just one example, on 22 May the United States Federal Communications Commission seized the equipment of an unlicensed mobile station broadcasting to Cuba on 6 666.6 kHz.

In sharp contrast to United States fulfillment of its international treaty obligations, the Cuban Government-owned stations, whether unregistered with the IFRB, operating outside their registered parameters, or operating in violation of its previous obligations under a regional agreement, have been causing harmful interference to United States commercial medium wave broadcasting stations since 1959. Since Cuba already disregards its obligations under the International Telecommunication convention and associated Radio Regulations and, in 1981 abrogated the North American Regional Broadcasting Agreement, Cuban threats to renounce its obligations are redundant.

Over the past two years we have repeatedly expressed our concern about harmful interference caused to legitimate United States broadcasting by Cuban stations not entered in the Master International Frequency Register and operating at excessive power, particularly those stations broadcasting on the 1 040 and 1 160 kHz frequencies. The Cuban Government has ignored our repeated oral and written protests and in recent months has purposely escalated its interference by adding a high-powered station on the 830 kHz.

The United States insists that, as required by Articles 35 and 44 of the ITU Convention and Article 6 and Regulation No. 1416 of the Radio Regulations, unregistered Cuban stations cease transmission until such time as they can be operated in a manner that does not result in harmful interference to registered stations.

Until the Cuban Government begins to comply with its legal obligations, it must bear full responsibility for the present situation. The United States is, of course, prepared to discuss means of resolving this issue with the Cuban Government.

The Cuban allegation that the United States occupies Guantanamo illegally is without substance since the United States Naval Base at Guantanamo is maintained under a valid treaty agreement between the United States and Cuba. In addition, the accusations regarding "spies" using satellites are ludicrous and do not deserve serious attention. The Cuban Government routinely makes such accusations in its effort to justify having a large security apparatus.

As indicated in our oral statement in the June 12 Plenary Session, the United States Delegation regrets the attempts of the Cuban Government to politicize this forum which can only result in unproductive exchanges and further delay in the important work of this Conference.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 336-E
19 June 1989
Original: English

PLENARY MEETING

FIRST REPORT BY THE CHAIRMAN OF WORKING GROUP PL-B TO THE PLENARY MEETING

1. The terms of reference of PL-B as decided at the thirteenth Plenary Meeting are as follows:

- a) to consider a draft future programme of conferences and meetings, taking account of proposals by administrations, as well as Resolutions and Recommendations of preceding conferences and the Report of the Administrative Council to the Plenipotentiary Conference;
- b) to prepare any appropriate draft Resolutions and Recommendations relating to the preparation of future conferences, as well as relevant financial information for consideration in Committee 4.

2. The Working Group considered proposals from Administrations, Resolutions and Recommendations of preceding conferences (HFBC-87, MOB-87, ORB-88), the three principles in Document 41(Rev.1), (Draft outline programme of major conferences and meetings 1990-1994), as well as other relevant documents. A draft Resolution on the future conference schedule is shown in Annex 1.

3. It was decided that the first possibility for a world administrative radio conference would be in 1992. It does not appear to be practicable to satisfy the requirements for both HFBC planning and the review of certain parts of the frequency spectrum in the same conference.

4. A majority of delegations in the Working Group were of the opinion that there should be a good appreciation of the possibility of success before conferences are scheduled.

5. It was felt that increased capacity in the HF broadcasting bands would be helpful in order to have a reasonable chance of successful planning.

6. In deciding on priorities for the recommended and proposed conferences, it was therefore agreed that a limited re-allocation conference should be held first, i.e. in 1992. It was suggested that there should be a CCIR Preparatory Meeting at the latest in 1991.

Among the bands to be dealt with are the HF band (Resolution No. 511 of HFBC-87), the band 500 - 3 000 MHz (Resolution 208 of MOB-87, Resolution COM5/1 and Recommendation COM6/F of ORB-88) and the band 12.7 (11.7) - 23 GHz (Resolution COM5/3 of ORB-88).

7. Following the 1992 Conference, a world administrative radio conference to deal with matters connected to the HFBC service should be held in [1994].

8. The next ordinary Plenipotentiary Conference should be held in 1995 or 1994, respecting the periodicity provided for in the Nairobi Convention.

The question of an additional Plenipotentiary Conference is being discussed in Committee 7, with a possible date of 1991. One option that was not discussed in PL-B, but which may be worth considering, is to have this additional Plenipotentiary Conference immediately preceding or following the WARC in 1992.

9. There was no agreement on the Regional Administrative Conference for the planning of the broadcasting service in the VHF and UHF bands in Region 3.

10. Working Group PL-B agreed that a review of allotments in Appendix 26 would not have to be done by a world administrative radio conference. Instead, a procedural approach should be taken, by which the IFRB will be instructed to take certain actions which would make it possible to satisfy the requirements of administrations.

A draft Resolution to this effect is included in Annex 2.

11. Working Group PL-B has not yet discussed proposals concerning:

- a) the establishment of Panels of Experts for various purposes connected with the work of major administrative conferences;
- b) IFRB seminars.

ANNEX 1

RESOLUTION No. [PL-B/1]

Future Conferences of the Union

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

having considered

a) paragraph 3.4 of the Report of the Administrative Council to the
Plenipotentiary Conference relating to planned administrative conferences and the
general agreement reached on this matter at the 44th session of the Administrative
Council (Document 41);

b) the proposals submitted by several Members of the Union;

c) the necessary preparatory work to be carried out both by the permanent
organs of the Union and by the administrations before each session of a Conference,

decides

1. that the schedule of future administrative conferences shall be as
follows:

1.1 Second Session of the Regional Administrative Conference for the
Planning of VHF/UHF Television Broadcasting in the African
Broadcasting Area and Neighbouring Countries (Geneva, 13 November-
8 December, 1989);

1.2 Regional Administrative Conference of the Members of the Union in
the African Broadcasting Area to Abrogate the Regional Agreement
for the African Broadcasting Area (Geneva, 1963) Geneva,
(4-5 December, 1989);

[1.3 Plenipotentiary Conference, Geneva, two weeks 1991;]

1.4 World Administrative Radio Conference for dealing with Frequency
Allocations in certain bands, taking into account the Resolutions
and Recommendations of WARC HFBC-87, WARC MOB-87 and WARC ORB-88
relating to frequency allocation. In addition this Conference
should:

a) define certain new space services and make allocations
to these services in frequency bands above 20 GHz;

b) review certain technical parameters used in the BSS-77
Plan for Regions 1 and 3 (Spain, 1992, six weeks);

1.5 World Administrative Radio Conference for dealing with matters
connected with the high frequency broadcasting service, Geneva,
[1993] [1994], [four] weeks;

[1.6 Regional Administrative Conference for evolving an Assignment Plan for the Broadcasting Service in VHF and UHF bands allocated to the Broadcasting Service in Region 3, either on an exclusive or a shared basis (end 1994, four weeks);]

1.7 Plenipotentiary Conference ([1995] [1994], [six] weeks);

2. regarding the agendas of the conferences, that:

2.1 the agendas for the conferences mentioned in 1.1 and 1.2 already established by the Administrative Council, shall remain unchanged;

2.2 the agenda for the Conference in 1.4 above shall be established by the Administrative Council, taking into account the Resolutions and Recommendations of WARC HFBC-87, WARC MOB-87 and WARC ORB-88 relating to frequency allocations;

2.3 the agenda for the WARC on HFBC shall be established by the Council taking into account the Resolutions and Recommendations of WARC HFBC-87 relating to the HFBC Planning System and procedures;

3. that the conferences shall be held within the period indicated in paragraph 1 above, the precise dates being set by the Administrative Council after consulting the Members of the Union, and leaving sufficient time between the various conferences. However, in cases where precise dates are indicated for the session of conferences, they shall not be changed. The durations indicated in paragraph 1 above for conferences for which the agendas have already been established shall not be changed; the precise duration of the other conferences shall be decided by the Administrative Council after their agendas have been established, within the duration limits indicated in paragraph 1.

ANNEX 2

RESOLUTION No. [PL-B/2]

**Improvement of Use by the Aeronautical Mobile (OR)
Service of the Frequency Bands Governed by Appendix 26
to the Radio Regulations**

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

considering

a) that the Frequency Allotment Plan for the aeronautical service prepared by the International Administrative Aeronautical Radio Conference (IAARC), Geneva, 1949, and adopted by the Extraordinary Administrative Radio Conference, Geneva, 1951, was substantially adopted by the Administrative Radio Conference, Geneva, 1959, and included in the Radio Regulations as Appendix 26;

b) that the Extraordinary Administrative Radio Conference, Geneva, 1966, adopted a separate plan for the aeronautical mobile (R) service and decided to include this plan as Appendix 27;

c) that the World Administrative Radio Conference, Geneva, 1978, on the aeronautical mobile (R) service, adopted technical principles for establishing the Frequency Allotment Plan for the aeronautical mobile (R) service, in particular the use of the 3 kHz separation between carrier frequencies for certain classes of emissions and powers which can be directly applied in establishing the Allotment Plan for the aeronautical mobile (R) service;

d) that the Allotment Plan for the aeronautical mobile (OR) service, Appendix 26, has not therefore been revised since the Administrative Radio Conference, Geneva, 1959;

e) that, since 1959 many additional countries have become Members of the Union and therefore have no allotments in the Plan of Appendix 26;

f) that the WARC-79 adopted Resolution No. 403 relating to the use of the frequencies 3 023 and 5 680 kHz common to the aeronautical mobile (R) and (OR) services necessitating common characteristics between these mobile services for safety purposes,

recognizing

1. that the plan for the aeronautical mobile (OR) service contained in Appendix 26 of the Radio Regulations requires appropriate adjustments with a view to using modern technology and a more efficient use of the spectrum;

2. that the programme of conferences and meetings to be held in the period preceding the next Plenipotentiary Conference does not permit the convening of a planning conference;

3. that, pending the convening of such a conference, there is a need for early action to improve use by the aeronautical mobile (OR) service of the frequency bands governed by Appendix 26,

instructs the IFRB

1. to prepare a draft channelling arrangement for the frequency bands allocated to the aeronautical mobile (OR) service contained in Appendix 26 using the criteria adopted in this respect for the aeronautical mobile (R) service in Appendix 27;

2. to obtain the view of all administrations on the proposed channelling arrangement and to modify it in accordance with these comments to the extent practicable;

3. to propose to each administration concerned the minimum necessary frequency shift resulting from the new channelling arrangements and intended to replace its allotment(s) in Appendix 26;

4. to inform administrations at an appropriate date on the need for them to transfer their operating stations to the new allotted channels on the date indicated under "resolves";

5. to apply the procedures outlined in the annex to Resolution No. 325 (MOB-87) and in Article 16 of the Radio Regulations commencing with the requirements of administrations not appearing in Appendix 26;

6. to prepare for consideration by the WARC [1992] the minimum modification of Article 12 of the Radio Regulations to take account of the above actions;

resolves

that, at 0001 hours on 15 December 1992 (subject to confirmation by the WARC 1992), administrations shall change the transmitting frequencies of their operating stations in the aeronautical mobile (OR) service to the replacement frequencies resulting from the action taken in accordance with this Resolution;

recommends

that the next Plenipotentiary Conference, when considering Recommendation 406¹ of the WARC-79, to take account of the results of the action taken in accordance with this Resolution.

instructs the Administrative Council

to put on the agenda for the WARC to be held in 1992 the consideration of modifications to Article 12 of the Radio Regulations in order to take account of the above actions.

¹ Recommendation 406 - "Relating to the Revision of the Frequency Allotment Plan for the Aeronautical Mobile (OR) Service".

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to
Document 337-E
28 June 1989
Original: French

COMMITTEE 9

SUMMARY RECORD

OF THE

ELEVENTH MEETING OF COMMITTEE 9

Paragraph 1.27

Amend to read:

"1.27 The delegate of Romania said that the whole question was a complex one because the Administrative Regulations and other agreements drawn up within the ITU framework were concluded on different dates. Consequently, the legal situation of Members vis-à-vis those Regulations and agreements should be spelt out in each related document. The Constitution should be clear, concise and confined to fundamentals; it should therefore state specifically that its provisions together with those of the Convention were supplemented by the Administrative Regulations in force. The ratification or approval of the Constitution and the Convention, or accession thereto, implied acceptance of those Regulations. The Administrative Regulations, including their applicable revisions, could be annexed to the Convention. The status of Members of the Union should be determined solely by the Constitution. It would thus be possible for the Radio Regulations to be applied by countries that were not Members of the Union. Whether or not the text suggested by the Legal Adviser were added, the situation remained unchanged."

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 337-E

22 June 1989

Original: English

COMMITTEE 9

SUMMARY RECORD

OF THE

ELEVENTH MEETING OF COMMITTEE 9

(BASIC INSTRUMENT OF THE UNION)

Monday, 19 June 1989 at 0935 hrs

Chairman: Mr. H.H. SIBLESZ (Netherlands)

Subjects discussed:

1. Consideration of proposals (continued)

Documents

DT/12 + Corr.1
+ Add.1 + Add.2,
Documents A + B,
GE-BIU 50(Rev.)

1. Consideration of proposals (Documents DT/12 + Corr.1 + Add.1 + Add.2, Documents A + B, GE-BIU 50(Rev.)) (continued)

1.1 The Chairman reminded the Committee of his proposal to resume consideration of Article 40 at its next meeting, to be held that evening, and proposed that the Committee now proceed to examine Article 41. Since Article 42 was under consideration by an informal group and Article 43 would require examination at several consecutive meetings, the next provisions to be taken up would be those of Article 44.

1.2 The delegate of Senegal, supported by the delegate of Burkina Faso said he could see no reason for deferring further consideration of Article 40. The discussion should be held forthwith, while delegates still had the debates at the previous two meetings and the explanations given clearly in mind. Moreover, the next meeting of Committee 9 was scheduled to be held concurrently with a meeting of Committee 8, thus creating difficulties for small delegations like his own. The delegate of Colombia also considered it unnecessary to depart from the chronological order of the Articles, as did the delegate of Algeria, who added that the text could be disposed of rapidly if the Committee bore in mind the paramount needs to exclude unnecessary detail from the Constitution.

1.3 The delegate of the United States said that the sponsors of proposals had made arrangements to try to reconcile their differences informally, in the light of the Chairman's suggestion at the end of the previous meeting. Those informal consultations might make it possible to save a considerable amount of time. The delegate of Australia endorsed those remarks.

1.4 The Chairman, replying to the Algerian delegate, pointed out that two diametrically opposed lines of thinking had emerged from the debate at the previous meeting. He suggested that the discussion of Article 40 should be held at the morning meeting on Wednesday, 21 June 1989, when there would be no concurrent meeting of Committee 8.

It was so agreed.

Article 41 - Execution of this Constitution, the Convention and the Regulations

1.5 The Chairman noted that the only proposal to be considered was E/101/3 to No. 183, relating to the definition of "recognized private operating agencies" in No. [2009] of Annex 2.

1.6. The Legal Adviser pointed out that, in the interests of uniformity, the word "Administrative" should be inserted before "Regulations" in the title of the Article. The Spanish proposal to replace the word "private" by "telecommunication" had been introduced in Committee 8 in connection with the definitions in Nos. [2008] and [2009], but had not been accepted and finally withdrawn. In addition, the word "privées" after "exploitations" had been omitted from the French text. The Chairman said that the attention of Committee 10 should be drawn to the need to align the language versions.

1.7 The delegate of Spain confirmed that his Delegation's proposal had not been supported in Committee 8 and consequently withdrew it with respect to No. 183. Nevertheless, his Delegation still considered that its text corresponded more closely to the existing situation.

1.8 The delegate of Algeria proposed that the word "They" at the beginning of No. 183 should be replaced by "Members".

Article 41 was approved as amended.

Article 44 - Denunciation of the Constitution and the Convention

1.9 The Chairman drew attention to proposals F/83/10 and DDR/6/14 to No. 195, observing that the latter might be regarded as covered by the extension of the concept of ratification. The delegate of the German Democratic Republic withdrew that proposal.

1.10 The delegate of France said that the purpose of his Delegation's proposal was to ensure consistency with the preceding Articles, particularly Article 38.

1.11 The Legal Adviser suggested that the Article might be amended to read as follows:

- | | |
|------|---|
| "195 | 1. Each Member which has ratified, accepted, approved or acceded to this Constitution and Convention shall have the right to denounce them simultaneously by a notification to be communicated to the Secretary-General. Upon receipt of such a notification, the Secretary-General shall advise the other Members thereof. |
| 196 | 2. The notification shall take effect at the expiration of a period of one year from the date of the receipt of its notification by the Secretary-General." |

That text incorporated the French proposal, avoided the use of the word "addressed" to which exception had been taken, and clarified the nexus between No. 196 and No. 195.

1.12 The delegate of Colombia said that, whereas the amendments to No. 196 seemed to be acceptable, the new placing of the word "simultaneously" in No. 195 did not fully convey the intent of the French proposal. It was necessary to differentiate between the right to denounce the instruments and the obligation to denounce the Constitution and the Convention simultaneously.

1.13 The delegates of France, Senegal, Cameroon, Morocco and Mexico agreed that such a differentiation should be made in the article. The delegate of Kenya also supported that view and proposed that the word "day" in No. 196 be replaced by "date".

1.14 The delegate of Argentina suggested that the first sentence of No. 195 might be shortened to read "Each State Party to this Constitution and the Convention shall have the right to denounce them".

1.15 The delegate of the Ukrainian Soviet Socialist Republic suggested that No. 196 might be clarified by inserting the words "with respect to that State" after "take effect".

1.16 The delegate of the Philippines said that the modalities of conveying the denunciation needed clarification to avoid misinterpretation by national lawyers. The text read out by the Legal Adviser was open to the inference that denunciation could be communicated orally.

1.17 The delegate of France suggested that the difficulties to which the Colombian delegate's statement had given rise might be resolved by reverting to the separate sentences of the original text to which his Delegation had submitted its proposal. Moreover, the point made by the Philippine delegate could be met by reverting to the word "addressed", which was used in Article 47 of the Nairobi Convention and in the text of the Group of Experts.

1.18 The Legal Adviser suggested that the following text might cover the points made during the debate:

"195 1. Each Member which has ratified, accepted, approved or acceded to this Constitution and the Convention shall have the right to denounce them. The denunciation of this Constitution and the Convention shall be effected, simultaneously and in one single instrument, by a notification addressed to the Secretary-General. Upon receipt of such a notification, the Secretary-General shall advise the other Members thereof.

196 2. Such denunciation shall take effect at the expiration of a period of one year from the date of the receipt of its notification by the Secretary-General."

1.19 The delegates of Romania and Algeria asked whether denunciation of the Constitution and the Convention implied denunciation of the Administrative Regulations.

1.20 The Legal Adviser said that, under the provisions of Article 1, States that had ratified, accepted, approved or acceded to the Constitution and the Convention were evidently Members of the Union. Clearly, Members that denounced the Constitution and the Convention were, after a period of one year, no longer Members and a State that was no longer a Member of the Union could not be considered as bound by the Administrative Regulations, as envisaged by No. 167 of Article 36. To clarify the text, however, it might be useful to add a third paragraph to Article 44, (No. 196bis), to read as follows: "Such denunciation shall also constitute denunciation of the Administrative Regulations in force for that Member." That wording was in line with No. 180, as well as with the Vienna Convention on the Law of Treaties.

1.21 The delegate of the United States, while not opposing the wording suggested by the Legal Adviser, said that it might go too far. One of the fundamental obligations undertaken by a Member was to avoid harmful interference to the radio services of other Members, where those radio services were conducted in accordance with the Radio Regulations. That obligation was set out independently both in the Convention and in the Radio Regulations. It was hard to imagine why a State would wish to denounce the basic instrument of the Union, but it appeared unlikely to be motivated mainly by a desire to be relieved of the obligation not to cause harmful interference. Evidently, following denunciation of the Constitution and the Convention, a State would cease to become a Member; however, there was cause for concern if a State was then automatically

considered also to have denounced all its bilateral obligations with respect to not causing harmful interference. There were good reasons not to force denunciation of the Radio Regulations, irrespective of the question of Membership of the Union. The text suggested by the Legal Adviser might be amended to read: "Such denunciation may, if so specified, also constitute denunciation", thus allowing States to denounce bilateral arrangements at the time of denouncing the basic instrument, but not obliging them to do so.

1.22 The delegate of Paraguay shared the concern expressed by the delegate of the United States. Without the Radio Regulations, there would be no way of preventing harmful interference.

1.23 The delegate of Kenya, while recognizing the difficulty mentioned by the delegate of the United States, agreed with the explanation given by the Legal Adviser. The Administrative Regulations did not stand alone as an instrument but derived their meaning from the Constitution and the Convention which they supplemented. The Administrative Regulations existed for Members and were enforceable among Members. He supported the text suggested by the Legal Adviser.

1.24 The delegate of Australia agreed with the delegate of Kenya. If a Member indicated its wish no longer to be a Member of the Union by denouncing the Constitution and the Convention, it was difficult to see how the Administrative Regulations could remain in force for that country, in relation to other Members of the Union. The wording suggested by the Legal Adviser made the matter clear, although the same meaning was already implicit in the text.

1.25 The delegate of Nigeria agreed with the comments made by the delegates of Kenya and Australia. The Legal Adviser's interpretation was correct but there was no need to add the wording that he had suggested.

1.26 The delegate of Algeria said that the text should be clear and that the different language versions should be aligned. As long as it was clearly understood that the Administrative Regulations were inextricably linked to the Constitution and the Convention and that denunciation of the Constitution and Convention entailed denunciation of the Administrative Regulations, it remained a matter of choice whether a text, such as that suggested by the Legal Adviser, was added or not.

1.27 The delegate of Romania said that the whole complex question of the Administrative Regulations and of other agreements not mentioned in the Constitution and the Convention required further study. The Constitution should be clear, concise and stick to fundamentals and it should be supplemented by the Administrative Regulations and the various other agreements entered into by the Union, together with information indicating the participation of Member States. A Member of the Union should be bound only by the Constitution. It should be possible, however, for the Radio Regulations to be applied to countries, not Members of the Union. Whether or not the text suggested by the Legal Adviser were added, the situation remained unchanged.

1.28 The delegate of Senegal supported the text suggested by the Legal Adviser as clarifying the text. The Administrative Regulations had to be firmly linked to the Constitution and the Convention, otherwise there would be no way of settling a dispute about them between a Member and a non-Member.

1.29 The delegate of the United Kingdom also supported the text suggested by the Legal Adviser, both because it added clarity and for the reasons given by the delegate of Kenya. Paragraph 1 b) of Article 70 of the Vienna Convention on the Law of Treaties, while not completely meeting the concern expressed by the delegate of the United States, perhaps went some way to do so.

1.30 The delegate of Japan preferred not to add the wording suggested by the Legal Adviser. The consensus in the Committee had been that the Administrative Regulations complemented the Constitution and the Convention; there was no need to take the matter further.

1.31 The delegate of Côte d'Ivoire said that it was clear from Nos. 167 and 179 that denunciation of the Constitution and the Convention implied denunciation of the Administrative Regulations. There was thus no reason not to add the text suggested by the Legal Adviser. He drew attention to Article 45 in relation to the concern expressed by the delegate of the United States.

1.32 The Chairman noted that Article 41 was also relevant to that concern.

1.33 The delegate of the Ukrainian Soviet Socialist Republic said that the problem of Article 44 would be solved if a decision of principle were taken on Article 40.

1.34 The delegate of Gabon recognized the logic of the interpretation given by the Legal Adviser but shared the concern expressed by the delegate of the United States. By analogy with private organizations being allowed to take part in the CCIs, States denouncing the Constitution and the Convention should perhaps be allowed to participate in other aspects of the Union's work.

1.35 The delegate of Morocco said that, with the establishment of the Constitution, the Convention and the Administrative Regulations as separate legal instruments, it should be possible to denounce the Constitution and the Convention without denouncing the Administrative Regulations. A provision to that effect should be introduced into the Constitution which, instead of the text suggested by the Legal Adviser, should read: "This denunciation does not imply an automatic denunciation of the Administrative Regulations. A denunciation of the Administrative Regulations must be made explicitly by the Member by means of a notification communicated to the Secretary-General."

1.36 The delegate of Argentina stressed that the instruments were indissolubly linked; the text suggested by the Legal Adviser was therefore acceptable. He did not know how a Member which had denounced the Constitution and the Convention could continue to participate in the activities of the Union. The text should state explicitly that denunciation of the Constitution and the Convention implied denunciation of the Administrative Regulations. Furthermore, such a denunciation meant that a State was no longer a Member of the Union. Its relations with Members should therefore be governed by Article 45.

1.37 The delegate of the United States agreed with the delegate of Morocco that there should be an explicit denunciation of the Administrative Regulations, rather than an implied one. The concern was how to hold States that had denounced the basic instrument of the Union to the obligation of not causing harmful interference, for the benefit of those States remaining within the Union. The text should acknowledge the right of a States to denounce instruments to which it was a party, but not imply automatic denunciation of the Administrative Regulations, because of their continuing importance. Paragraph 1 b) of Article 70 of the Vienna Convention unfortunately did not cover occurrences after the date of denunciation. Article 45 of the draft Constitution related only to telecommunications transmitted through a non-Member country which, while important, did not deal with harmful interference: moreover, it only dealt with the obligations of Members. It would be best to allow States to honour obligations under the Administrative Regulations and other bilateral and multilateral agreements made under the Union's auspices, even after denouncing the basic instrument of the Union.

1.38 The delegate of Mexico agreed with the Legal Adviser's interpretation, which was in line with the legal principle that the accessory followed the principal, but said that it was not necessary to spell it out. Article 26 of the Vienna Convention offered a hope that Members denouncing the Constitution and the Convention and, thus, the Administrative Regulations, might continue to apply the provisions of the Administrative Regulations "in good faith" in its relations with other countries. Failure to continue to apply such provisions would result in chaos.

1.39 The Chairman suggested that, in view of the divergent opinions, Article 44 should be approved as amended earlier and the question should be taken up again, if necessary, after a decision had been reached on Article 40.

It was so agreed.

The meeting rose at 1245 hours.

The Secretary:

A. NOLL

The Chairman:

H.H. SIBLESZ

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to
Document 338-E
29 June 1989
Original: English

COMMITTEE 8

SUMMARY RECORD

OF THE

SIXTEENTH MEETING OF COMMITTEE 8

1. Amend paragraph 2.70 as follows, to read:

"2.70 The delegate of Australia considered that "secret language" did not mean much apart from telegrams."

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 338-E

28 June 1989

Original: French

COMMITTEE 8

SUMMARY RECORD

OF THE

SIXTEENTH MEETING OF COMMITTEE 8

(PURPOSES, RIGHTS AND OBLIGATIONS)

Sunday, 18 June 1989, at 1435 hrs

Chairman: Mr. F. DANDATO (Zimbabwe)

Subjects discussed:

Documents

- | | | |
|----|--|--------------------|
| 1. | Summary records of the sixth, seventh, eighth and ninth meetings | 228, 253, 271, 272 |
| 2. | Draft Convention (Document B)
- Articles 25, 26, 29-33, Annex 1 | DT/10 + Add.1 + 2 |

1. Summary records of the sixth, seventh, eighth and ninth meetings
(Documents 228, 253, 271 and 272)

The summary records of the sixth, seventh, eighth and ninth meetings of the Committee were approved as amended.

1.1 The delegate of the United Kingdom said that the summary records of the meetings of Committee 8 were excellent and gave a clear idea of the decisions taken and of the reasons for the decisions. He congratulated the Secretariat.

2. Draft Convention (Document B) - Articles 25, 26, 29-33, Annex 1
(Document DT/10 + Add.1 + 2)

Article 25

No. 261A

2.1 The delegate of the Federal Republic of Germany introduced Brazil's proposal to leave Article 25 of the Convention unchanged. In his view, any extension of a Conference would lead to an increase in costs, which were already very high.

2.2 The delegate of Sweden introduced the proposal of the Nordic countries, which was based on past experience with ITU conferences. He pointed out that the last part of the proposal included a restriction. He thought that delegates at conferences had enough of a sense of responsibility not to take advantage of the situation.

2.3 The delegate of the United Kingdom said that his country's proposal was the same in substance as those of other delegations on the same point. When a conference had been extended, as had occurred in the past, there had been a doubt as to whether delegates were still empowered to sign the Final Acts. It would therefore be useful to have a provision to clarify that point. The United Kingdom's proposal included a safeguard: any extension would need the agreement of the Chairman of the Conference, the Secretary-General and the Steering Committee. Also, the decision would have to be taken in the Plenary Meeting. In any case, the extension would only be for one day and the budget of the Conference would not be exceeded. The provision would be restricted to the Plenipotentiary Conference, the Administrative Council, the WARC's and Plenary Assemblies of the CCIs and could not be applied to CCI Study Group meetings.

2.4 The delegate of Sweden said, after consulting the other Nordic countries, that the Delegations of the Nordic countries endorsed the United Kingdom proposal.

2.5 Referring to the eighth line of the United Kingdom proposal, the delegate of Saudi Arabia proposed deleting the word "simple" before "majority", since it was enough to say that the proposal was approved by a majority.

2.6 The delegate of the People's Republic of China said that the possibility of extending the duration of a Conference would have a number of consequences, not only for the organizers, but also for the host countries, especially of a financial nature. He was opposed to providing for such a possibility in the Convention. If a day's extension proved necessary, the decision could be taken by the Conference itself.

2.7 The delegate of Greece introduced his country's proposal and said that it was the same as those of the Nordic countries and Turkey and to a certain extent that of the United Kingdom. He thought that a Conference might sometimes need to be extended for reasons unforeseen by the Administrative Council.

2.8 The delegates of the German Democratic Republic, France, Japan, Switzerland, India, Kuwait and Indonesia were in favour of leaving the existing text unchanged.

2.9 The delegate of Algeria said that the extension of a Conference should not necessarily be limited to a single day, since what mattered was that the Conference should achieve its objectives.

2.10 The delegate of Kenya said that under Article 5 of the draft Constitution, the Plenipotentiary Conference was the supreme organ of the Union and that the plenipotentiaries could therefore decide to extend such a Conference. The same was not true for other meetings. He supported the United Kingdom's proposal, but thought that the meeting should be left to decide the duration of the extension.

2.11 The delegates of Canada, Pakistan and Yugoslavia supported the United Kingdom's proposal.

2.12 The delegate of the United Kingdom said that there seemed to be a slight majority in favour of No. 261A, with some opposition. In order not to hold up the work of the Committee, however, he would not press the point any further, any more than Greece or the Nordic countries. If the Conference had to meet on 30 June, however, he hoped that delegations would remember his proposal.

It was decided not to approve No. 261A.

No. 288

As Brazil's proposal for NOC had no support, it was rejected.

2.13 The delegate of the United Kingdom introduced his country's proposal G/82/12 and said that it was really a question of confirming an existing practice in the ITU.

The United Kingdom's proposal was approved.

Sub-title 10 of Article 25

Sub-title 10 was approved as amended.

No. 313A

2.14 The Chairman drew attention to Brazil's proposal to leave the text unchanged and Argentina's proposal to add No. 313A.

2.15 The delegate of Kenya supported Brazil's proposal for the following reasons: Argentina's proposal was contrary to Article 8, No. 59, under which the Administrative Council established its own rules of procedure. If Argentina's proposal was accepted, No. 59 of the Nairobi Convention would also need to be modified. Otherwise the Committee would be saying both that the Administrative Council had the power to decide on its own rules of procedure and that it did not have that power. The Delegation of Kenya was therefore opposed to any modification of the text.

2.16 The delegate of Argentina pointed out that under Article 8, No. 59, of the Convention, the Administrative Council could establish its own rules and that those rules provided that proxy votes would not be allowed. The only purpose of Argentina's proposal in Document 116 was to make the Council's rules consistent with the basic instruments of the organization.

2.17 The delegate of Colombia supported Argentina's proposal and said he was opposed to voting by proxy.

2.18 The delegate of Algeria was in favour of leaving the text unchanged. Since proxies were allowed at the Plenipotentiary Conference, he did not see why they should not be allowed at the Administrative Council.

2.19 The delegate of the United States agreed with Kenya's arguments for leaving the text unchanged. The Administrative Council should be free to establish its own rules of procedure. The delegates of Pakistan, Saudi Arabia, Niger and Israel agreed with the views of Kenya and the United States.

2.20 The Chairman asked the delegate of Argentina if he was willing to support the majority of views expressed so far. The delegate of Argentina agreed to support the majority and withdrew his proposed addition to No. 313A.

Nos. 318 and 318A

2.21 The Chairman drew attention to the proposal by Brazil to keep the present text and the one by the United States to amend it.

No delegation supported the Brazilian proposal.

2.22 The delegate of the United States said he wanted to amend the text to make it easier to understand. The amendment did not change its content in any way but made it easier to read. He was supported by the delegate of the United Kingdom.

2.23 The Chairman, replying to the delegate of Kenya, who had asked the Secretariat of the Committee to give the history of No. 318, said that the Secretariat could not assume the role of Legal Adviser to the ITU.

2.34 The delegate of the United States said that he could not give the history of No. 318, either. However, the point he wanted to draw the Committee's attention to was that, taken together, No. 318 and draft No. 318A did not alter the content of the text.

2.25 The delegates of Kenya and France said they did not understand the reason for the amendment. The delegate of Kenya said he would not, however, oppose it.

2.26 The delegate of the United Kingdom considered that the United States' proposal improved the text and made it clearer. Firstly, to refer to countries as not being absent was a very curious way to speak, the proposal would refer to such countries as being "present". Secondly, the amendment proposed by the United States had the advantage of covering two different aspects of the problem: a) the question whether a delegation was regarded as present for purposes of a quorum, and b) the question of abstentions. The proposal kept those two aspects of the question quite separate, and his Delegation was accordingly in favour of it.

2.27 The Chairman asked delegates to take the amendment and addition together since they were complementary.

2.28 The delegate of Spain said that the amendment did not raise any problem of substance, but that to speak of Members present would lead to a problem of form in the Spanish version. His Delegation was therefore against any modification of the text.

2.29 The delegate of Saudi Arabia having asked whether discussion of the matter could not be adjourned pending an opinion from the Legal Adviser, the Chairman said that he would on the contrary like the question to be settled without delay.

2.30 The delegate of Saudi Arabia said that he was against any modification of the text.

2.31 The delegate of Algeria said he did not understand how a delegation which was not present could be included in the quorum and be able to vote. A quorum was determined from the number of those voting. Absence should be regarded purely and

simply as abstention. His Delegation therefore found it very difficult to take a position, even on the original text.

2.32 The delegate of Kenya pointed out that according to No. 121 of the Nairobi Convention, in case of dispute the French text prevailed. The delegate of France had stated that the text seemed clear to him. The delegate of Kenya therefore proposed that the debate should be closed and the matter referred to the Editorial Committee, which would decide if the English text ought to be aligned to the French one.

2.33 The delegate of the United Kingdom also considered that rather than discuss the matter any further it would be better to compare the English, French and Spanish versions of Provision No. 318 and align the English on the French and Spanish if necessary.

It was so decided. No. 318A was rejected.

No. 358A

2.34 The Chairman drew attention to the proposal by Brazil, to keep the present text and the one by Kuwait to amend it.

The delegate of Kuwait withdrew his proposal for 358A.

No. 367

2.35 The Chairman drew attention to the proposal by Brazil to keep the present text and the one by Tanzania to amend it. In the absence of the Tanzanian Delegation and of any support for its proposal, the Chairman asked the Committee whether it wished to adopt the Brazilian proposal.

It was so decided.

Articles 26 and 29

2.36 The Chairman drew attention to Articles 26 and 29 and invited the Committee to adopt the Brazilian proposal to keep the texts unchanged.

It was so decided.

Article 30

No. 400

2.37 The Chairman drew attention to the draft text on Article 30, with an amendment submitted by Colombia and a proposal by Brazil to maintain the text.

2.38 The delegate of Colombia said he wanted to replace the word "arrangements" by "agreements", because the latter was the term used in the Vienna Convention.

2.39 The Chairman invited delegations to take a decision on the proposal.

In the absence of any support, the proposal was rejected.

No. 401

2.40 The Chairman informed the Committee that Columbia, the People's Republic of China and Tanzania had proposed amendments to the text, while Brazil and Kuwait apparently wanted to keep it as it was.

2.41 The delegate of Kuwait introduced his proposal to include a reference to the International Monetary Fund's special drawing rights as the accounting unit. He was supported by the delegates of Saudi Arabia and Sweden.

2.42 The delegate of the People's Republic of China proposed that the term "Telegraph and Telephone Regulations" should be replaced by "International Telecommunication Regulations" in order to bring the text into line with the decision adopted by the WATTC in Melbourne.

2.43 The delegate of Brazil withdrew his proposal to keep the text as it stood and supported the proposal by the People's Republic of China and Tanzania.

2.44 The delegate of Colombia agreed to withdraw his proposal.

2.45 The Chairman, summing up the debate, explained that delegations had to choose between keeping the text as it stood and adopting the Kuwaiti proposal referring to special drawing rights and then decide on the proposal by the People's Republic of China and Tanzania.

2.46 The delegate of Canada, referring to the proposals by Tanzania and China, pointed out that the Final Acts of the WATTC-88 would not come into force until 1990, but considered that there would be no legal problem about mentioning the International Telecommunication Regulations in the new Convention.

2.47 The delegate of the People's Republic of China reminded the Committee that the decision to refer to the International Telecommunication Regulations had been taken at the last meeting of the WATTC. He was supported by the delegates of Yugoslavia, the Federal Republic of Germany, Japan, Colombia and Mali.

2.48 The delegate of Finland said it could be seen from Document 290 that the problem had already been dealt with in the Plenary Meeting. The question was merely an editorial one. The Committee might proceed in the same way as for No. 167 of the Constitution, i.e. put the text in square brackets until Committee 9 had taken a decision on the matter.

2.49 The delegate of Canada said that his Delegation reserved its opinion until Committee 9 had taken a decision.

2.50 The delegate of Brazil said he saw no objection to putting the words "International Telecommunication Regulations" in square brackets.

2.51 The delegate of the Islamic Republic of Iran asked whether it was really necessary to mention the gold franc in the new Convention and what was the relationship between the gold franc and special drawing rights fixed by the CCITT.

2.52 The delegate of Austria explained that when the Nairobi Convention had been under consideration, a number of delegations had insisted that the gold franc should be mentioned together with the special drawing rights of the International Monetary Fund as the monetary unit. There was a link between SDR and the gold franc. Such a reference to monetary units was not necessary in the Nice Convention, which could say that the unit adopted would be the IMF unit or the gold franc.

2.53 The delegate of Spain explained that in Resolution No. 70, the Nairobi Conference had fixed the rate of exchange between the gold franc and the SDR. With regard to the Kuwaiti proposal, he referred to paragraph d) of Resolution No. 70 under "considering"; the unit of the IMF was the special drawing right (SDR). The Kuwaiti proposal was thus to some extent a repetition of the existing text. He suggested that either the reference to the monetary unit of the IMF should be deleted or the words

"special drawing rights" should be added in brackets after "the monetary unit of the International Monetary Fund". He was supported by the delegate of Kuwait.

2.54 The delegate of the United Kingdom said that according to the Melbourne Regulations (Article 6), special drawing rights were currently "the unit of the International Monetary Fund" and proposed adding the word "currently" in the text. He was supported by the delegate of Niger.

2.55 The delegate of Mexico considered, with regard to the Kuwaiti proposal, that it would be superfluous to mention special drawing rights. If it was thought necessary to do so, the Committee should adopt the United Kingdom's suggestion and add the word "currently". There was nothing to rule out the possibility that the IMF might at some stage adopt a unit which had nothing to do with special drawing rights.

2.56 The delegate of the German Democratic Republic advocated keeping the text as it was. However, it could say that "special drawing rights" were "currently the monetary unit of the International Monetary Fund", since the Final Acts of the Melbourne Administrative Conference explicitly mentioned them. Replying to a question from the Chairman, he said that the proposal by the People's Republic of China did not present any problems for him.

2.57 The delegate of France thought that the Committee should either keep the existing text, or, if it wanted to specify what the monetary unit of the IMF was, adopt the United Kingdom proposal to add the words "currently special drawing rights".

2.58 The delegates of the United States and Indonesia supported the proposal by the People's Republic of China.

2.59 The delegates of Kenya and Algeria said they were in favour of keeping the text as it was.

2.60 The delegate of the People's Republic of China said it would be enough to state that the monetary unit was the IMF's unit. That was currently the special drawing right, and the International Telecommunication Regulations adopted by the Melbourne Conference said so. It was therefore unnecessary to mention special drawing rights in the new Convention.

2.61 The delegate of Japan said he would prefer no amendment to be made to the text concerning the monetary unit. There was no point in mentioning special drawing rights. He was supported by the delegates of Colombia and Mali.

2.62 The delegate of Spain asked how, if the references to the unit of the International Monetary Fund and the gold franc were kept in the text, it would be possible in the event of a change in the IMF unit to establish the relationship between the new IMF unit and the gold franc. It would then be necessary to amend Resolution No. 70 and state what the rate of conversion was between the gold franc and whatever the monetary unit of the International Monetary Fund was.

2.63 The delegate of Morocco supported the proposal by the delegate of Spain and the proposal by the People's Republic of China, while considering that it would be better to put it in square brackets pending a final decision by the Editorial Committee.

The proposal by the People's Republic of China, as thus amended, was approved.

2.64 The delegate of Kuwait pointed out that the Convention was easier to amend than the Constitution. However, he would not press his proposal if it did not win majority support.

2.65 The Chairman said that on the question of special drawing rights, the text would remain unchanged.

It was so decided.

Article 32

2.66 The delegate of Australia noted that the Group of Experts on the basic instrument of the Union had pointed out that Articles 32 and 33 were different from the other Articles in the Convention. Paragraph 1 of Article 32 dealt with radio services and paragraph 2 with telecommunications. The first did not raise any special difficulty, but the second was the subject of different proposals. It would thus seem that the problem raised by the Group of Experts ought to be tackled by the Committee, whose attitude on the question might be influenced by the conclusions on Article 33 concerning secret language. The Committee might simply decide to delete Article 33 outright. But it might then be asked what the place of Article 32 in the Convention would be. After considering the Articles, the Committee might try to find the right place for them.

2.67 The Chairman thought that the Committee should take a decision on Article 32, and then come back to it if there was any conflict with the decision taken on Article 33.

It was so decided. Article 32 was approved with no change.

Article 33

2.68 The delegate of Kuwait considered that Nos. 405 and 407 in that Article were superfluous. Messages could now be transmitted in such a way that there was no longer any reason for those numbers. It would therefore be better to delete Article 33. He was supported by the delegates of Saudi Arabia, Switzerland, the Yemen Arab Republic, Senegal, Bahrain and Australia.

2.69 The delegate of the USSR considered that if all that was involved was government telegrams, Article 33 could be deleted. There was, however, the question of "government telecommunications". The Committee could keep Article 33 but introduce the idea of "government telecommunications" instead of "government telegrams". Article 33 should thus be approached from the standpoint of government telecommunications.

2.70 The delegate of Australia considered that "government telecommunications" did not mean much apart from telegrams.

The meeting rose at 1750 hours.

The Secretary:

D. SCHUSTER

The Chairman:

M.F. DANDATO

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to
Document 339-E
29 June 1989
Original: English

SUMMARY RECORD

OF THE

SEVENTEENTH MEETING OF COMMITTEE 8

1. Amend paragraph 3.21 as follows, to read:

"3.21 The delegate of the United Kingdom expressed regret that he had not received greater support, but agreed not to pursue the matter in the meeting. He maintained all the points he had made and reserved his Delegation's right to pursue the matter later and to take whatever action was necessary to overcome the problem faced by the United Kingdom".

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 339-E
28 June 1989
Original: French

COMMITTEE 8

SUMMARY RECORD

OF THE

SEVENTEENTH MEETING OF COMMITTEE 8

(PURPOSES, RIGHTS AND OBLIGATIONS)

Monday, 19 June 1989, at 1430 and 1915 hrs

Chairman: M.F. DANDATO (Zimbabwe)

Subjects discussed:

Documents

- | | | |
|----|---|----------------------|
| 1. | Article 33 of the draft Convention (continued) | DT/10 + Add.2 |
| 2. | Annex 1 to the draft Convention and
Annex 2 to the draft Constitution
(remaining definitions) | DT/10 + Add.2, DL/32 |
| 3. | Draft Resolution | DT/48 |
| 4. | Report of Working Group 8-A | 332 |

1. Article 33 of the draft Convention (continued) (DT/10 + Add.2)

1.1 The Chairman invited delegates to continue the discussion on Article 33 begun at the previous meeting.

1.2 The delegate of the USSR withdrew his proposal and supported the wording proposed by the delegate of Turkey, who advocated replacing the word "telegrams" by "telecommunications".

1.3 The delegate of Kenya, like the Delegation of the USSR, supported Turkey's proposal. Unlike the delegate of Kuwait, who had proposed deleting Article 33, he thought it was useful to maintain provisions concerning secret language in telegrams. His view was shared by the delegates of the People's Republic of China and Thailand.

1.4 The delegate of Niger said that since the word "telegrams" had already been replaced by the word "telecommunications", it was best to be consistent and he therefore supported the proposal of Turkey and the USSR.

1.5 The delegate of the USSR referred to the Vienna Convention on diplomatic immunities, which provided for the use of secret language. He thought it was useful to maintain some provisions on secret language for the sake of not weakening the ITU Convention.

1.6 The delegates of the People's Republic of China, Mali, the United States, Japan, Thailand and Bulgaria supported the proposal of Turkey and the USSR.

1.7 The delegate of the Netherlands also supported maintaining Article 33 in its existing form, though he was prepared to agree to replacing "telegrams" by "telecommunications".

1.8 The delegate of Saudi Arabia supported Kuwait's proposal. The delegate of Kuwait said that the Committee had already discussed the meaning of the word "telegram" at length. Although he preferred deleting Article 33 altogether, he was prepared to agree to the word "telegrams" being replaced by "telecommunications".

1.9 The delegate of Algeria thought it preferable to keep the word "telegrams", since the secret language concerned could only be used for telegrams.

1.10 The delegate of Indonesia agreed with the delegate of the Netherlands that the text should be kept as it was. The notion of "Government telegrams" appeared to him too broad.

1.11 The delegate of Switzerland reiterated what he had said at the previous meeting, namely, that an Article on secret language was out of place in the Convention. He would agree, however, to the Article being maintained, provided that the word "telegrams" was left.

1.12 The delegate of Greece said that the provisions of Article 33 might concern other services than the telegram service (such as Bureau fax), though only written texts. He proposed that No. 405 should therefore read: "Government communications or telecommunications in written form may be expressed in secret language ...".

1.13 The delegate of Guinea agreed with the Greek view and asked the delegate of France to explain the difference between Government "telecommunications" and "communications".

1.14 The delegate of the USSR said that the word "telecommunications" appeared appropriate, since the field of communications had progressed very rapidly and it would be regrettable if Article 33 retained any obsolete terms.

1.15 The delegate of Côte d'Ivoire, on a point of order, expressed surprise that the Committee should have reopened the discussion which had led to the adoption of the word "telecommunications" for Article 26. If the discussion were to continue, he would like to return to Article 26 and would ask for Côte d'Ivoire's proposal to be considered. The delegate of the United States agreed with that view.

1.16 The delegate of Algeria, as a compromise, proposed replacing the word "telegrams" by the expression "messages transmitted by telecommunications". That proposal was supported by the delegate of Saudi Arabia. The delegate of the USSR was prepared to agree to Algeria's proposal.

1.17 The delegate of the Netherlands pointed out that only the telegram service was concerned by the secret language provisions and that other messages, such as coded telephone calls, were not affected by the provisions. He was supported by the delegates of Switzerland, Tanzania, Zimbabwe and Indonesia.

1.18 The delegate of Greece proposed that, in order to take account of Bureau fax practice, paragraph 1 of Article 33 should read: "Government communications and service communications in written form may be expressed in secret language in all relations."

1.19 The Chairman noted that Algeria's proposal had been abandoned and asked delegates to decide on the amendment introduced by the delegate of Greece.

1.20 The delegate of the USSR said he was prepared to accept the amendment in order to facilitate the Committee's work.

1.21 The delegate of Kuwait thought that the proposal changed the meaning of Article 33 and that the latter should be either deleted or maintained in its existing form. The delegate of Qatar agreed with the proposal of the delegate of Kuwait, though he said he was prepared to support the Greek proposal to help the Committee's work.

1.22 The delegate of Côte d'Ivoire was prepared to support the Greek proposal provided that it took account of the modification referred to in the Turkish proposal.

1.23 As no conclusion appeared to emerge, the Chairman proposed that the Committee should suspend consideration of Nos. 405 and 406 and convene a Sub-Group with the delegates of the USSR, the Netherlands, Kuwait and the United States, to be chaired by the delegate of Greece, which could meet during the break to draft a compromise text.

1.24 After some consultations, the delegate of Greece, on behalf of the Drafting Group, proposed replacing in No. 405 of Article 33 of the draft Convention, "Government communications" by "Government telecommunications" and "service communications" by "service telecommunications in written form". The expression "in written form" would also be added to Nos. 406 and 407.

1.25 The delegate of Algeria, supported by the delegate of Guinea, said that the expression "telecommunications in written form" was not clear. He therefore reiterated his earlier proposal to use the expression "messages transmitted by telecommunications".

The Chairman proposed that the Drafting Group should meet again in an effort to find a solution.

It was so decided.

2. Annex 1 to the draft Convention and Annex 2 to the draft Constitution (remaining definitions) (Documents DT/10 + Add.2 and DL/32)

No. 2007

2.1 The Chairman drew the Committee's attention to Document DL/32, which contained proposals concerning Annex 1 and Annex 2 for consideration.

2.2 The delegate of Kenya asked for the word "by" on the first line of his proposal (KEN/86/12) to be deleted, as the word reappeared on the fourth line. The reasons were given in detail in the proposal.

2.3 The delegate of India supported the proposal of the delegate of Kenya, but said that it restricted the employment of women as experts, since it said in the English text: "the administration of his country". The delegate of Kenya replied that the word "his" implicitly covered both men and women. The Chairman suggested referring the matter to the Editorial Committee.

2.4 The delegate of the United States said that the proposal by the Kenyan Delegation was well intended but that the modification would entail an unexpected consequence, since it excluded scientific or industrial organizations and the members of international organizations. He was in favour of maintaining the initial text.

2.5 The delegate of the United Kingdom said that the proposal of the Kenyan Delegation had been made in a limited context. It referred to Resolution No. 62 of the Nairobi Convention, which mentioned the Group of Experts. The same question was dealt with in Article 20, No. 219, where it was clearly stating that "Experts of scientific or industrial organizations may be admitted to take part ... in any meeting of any Study Group". He therefore could not accept the wording of the Kenyan proposal, which said: "a person sent by the government or the administration of his country ...", since the text did not mention CCI experts. In his opinion, the initial definition should be maintained.

2.6 The delegate of Kenya replied to the delegate of the United States that, in the initial text, the experts of international organizations were also excluded. In reply to the comment by the delegate of the United Kingdom, he proposed replacing the words "a person sent by ..." by "an authorized person".

2.7 The delegate of Algeria supported the proposal by the delegate of Kenya, but preferred adding after the words "by the government or the administration of his country" the words "or any international organization". The delegate of Kenya was prepared to agree to that amendment.

2.8 The delegate of the United States thought that the proposal by the delegate of Algeria was satisfactory, although he pointed out, as the delegate of the United Kingdom had done, that the CCI experts were not mentioned.

2.9 The delegate of the United Kingdom recalled that there were three different types of experts, for which definitions had to differ. Firstly, there were the experts of the CCI Study Groups, secondly the experts of the Groups of Experts set up by the Conference, and thirdly the experts who took part in technical cooperation work. He thought that, where No. 2007 was concerned, the first of those definitions was the appropriate one and that the existing definition should therefore be maintained. The delegate of Kenya, not wishing to hold up the Committee's work, was prepared to drop his proposal.

2.10 The delegate of Côte d'Ivoire, on a point of order, said that a consensus appeared to be emerging on the proposal of the delegate of Kenya, supported and modified by the Delegation of Algeria. The delegate of the United States had given his opinion, but the delegate of the United Kingdom had not agreed.

He thought, therefore, since there had been no other proposal, that the Committee should decide on Kenya's proposal, as supported and modified by the Delegation of Algeria.

2.11 The delegate of Indonesia agreed with the delegate of Côte d'Ivoire, although, to meet the concern expressed by the United Kingdom delegate, he proposed replacing the words "a person sent by" by "a person sent or authorized by". The delegate of the United Kingdom thought that the latter proposal solved part of the problem and that it was really a question of wording.

2.12 The Chairman suggested that the Drafting Group should meet during the break and put forward a proposal.

2.13 The delegate of Algeria, supported by the delegate of Senegal, said it was not worth setting up a Drafting Group any time a problem arose. He could see no difference between the original text and the proposal by the delegate of Kenya.

2.14 The Chairman said that the problem was that other delegates saw the difference and a Drafting Group could resolve the matter.

2.15 The delegate of the United Kingdom, after consulting a number of delegates, proposed the following definition, which was an amended version of the proposal by the delegate of Kenya which took account of objections raised:

"Expert: a person sent by either a) the government or the administration of his country; b) an organization authorized by the government or the administration of his country; or c) an international organization to participate in special tasks of the Union relevant to his area of professional competence."

No. 2007 of Annex 1, as amended, was approved.

No. 2017

2.16 The Chairman said that the delegates of Turkey and India had proposed modifications and that the delegate of Brazil had asked for No. 2017 to be deleted. There was also a Brazilian proposal concerning No. 2017 in Annex 2. In order to speed up the work, he suggested setting up a Drafting Group chaired by the delegate of Greece, and also composed of the delegates of the United States, the Netherlands, Kuwait, the USSR, Kenya, India and Turkey. The Group would consider all the points raised in the discussion on definitions.

It was so decided.

2.17 The delegate of Turkey said that the change in his proposal arose from the modification made by WATTC-88 and from Article 33, No. 405, of the existing Convention.

2.18 The delegate of India said that, as with the proposal by Turkey, the change in his proposal arose from the definition by WATTC-88.

2.19 The delegate of the USSR supported the proposals by the delegates of Turkey and India.

2.20 The delegate of Brazil did not object to the proposals by the delegates of Turkey and India, as he thought that the decisions taken by WATTC in Melbourne should be taken into account.

No. 2017, thus amended, was approved.

No. 2022

2.21 The delegate of the United States proposed keeping the definition of the term "scientific or industrial organization" in the Constitution after the deletion of No. 197 [400].

2.22 The delegates of India and Canada supported the proposal by the delegate of the United States.

The addition of No. 2022 was approved.

No. 2023

2.23 The delegate of the USSR proposed a new definition for the expression "medical transports", which appeared in the Geneva Convention of 1949 and in the Radio Regulations.

2.24 The Chairman pointed out that the proposal had been placed between square brackets because it had not yet been considered.

2.25 In reply to a question by the delegate of Senegal, the delegate of the United States said that the term "medical transports" appeared in the Radio Regulations, though neither in the draft Convention nor in the draft Constitution.

2.26 The delegate of Côte d'Ivoire, supported by the delegates of Guinea and Senegal, asked whether the definition was really necessary, since, in the long discussion on Article 25 of the Constitution, it had been agreed that the Article covered all questions of safety of human life at sea.

2.27 The Chairman noted that it was stated in paragraphs 2.7 and 2.8 of the summary record of the eighth meeting of Committee 8 that the Committee would consider the USSR's draft text on the definition of medical transports as soon as it was available in the form of a document.

2.28 The delegate of Czechoslovakia said that he was prepared to support the proposal.

2.29 The delegate of the United Kingdom, like the delegate of Côte d'Ivoire, thought that Article 25 of the Constitution, in its existing form, did not require any more precise definition of the term "medical transports".

2.30 The delegates of France, Australia, Greece and the United States agreed.

2.31 After an exchange of views, the delegate of the USSR agreed to withdraw his proposal.

The meeting was suspended at 1730 hours and resumed at 1915 hours.

When the session resumed, the delegate of Greece submitted the report of the Drafting Group, which had met for the second time, concerning Article 33. The compromise proposal was that Nos. 405 and 406 of Article 33 would remain unchanged.

It was so decided.

3. Draft Resolution (Document DT/48)

3.1 The delegate of the United Kingdom introduced the draft Resolution relating to the practice of making claims to locations on the geostationary-satellite orbit unconnected with plans for their use. He asked the Committee to note two editorial amendments, firstly the deletion of the inverted commas in the second part of a) of "considering", and secondly the deletion in the English version of the third line of paragraph 1 of "resolves", except for the last word "to".

He reminded Committee 8 of what he had said at its sixth meeting (Document 228, paragraph 1.24), when he had agreed to withdraw his proposal owing to the shortage of time. He had then suggested that delegates should send him their comments, but he had received only a few verbal replies. He stressed that the intention of his draft Resolution was not to change the existing provisions of the Radio Regulations, but on the contrary to strengthen them by condemning a reprehensible and unfair practice.

3.2 The proposal by the United Kingdom was supported by the delegates of the Federal Republic of Germany and Australia. The delegate of Canada was prepared to accept the United Kingdom's proposal for the reasons given at the Committee's sixth meeting.

3.3 The delegate of Colombia observed that, at that meeting, with the support of the delegate of Kenya, he had opposed the draft Resolution on the grounds that it concerned a question of regulation, for which the Plenipotentiary Conference was not competent. He said that the existing regulations were the outcome of long and arduous discussions at Administrative Conferences and that the delegate of the United Kingdom himself had said that an administrative radio conference would be "appropriate (and) ... competent to discuss the matter", as reported in paragraph 1.27 of the summary record of the sixth meeting of Committee 8 (Document 228), which had been approved.

3.4 The delegate of Japan said he had five comments to make. Firstly, he could not accept the use of the term "claims" in English and "revendications" in French in the proposed text. Secondly, the expression "unconnected with plans for their use" in paragraph c) under "recognizing" raised a delicate problem, considering the procedures of the Radio Regulations were based on the gentleman's agreement principle. Thirdly, the Administration of Japan advocated a cautious approach hoping that other administrations would become aware of the question at issue. Fourthly, the problems raised by the delegate of the United Kingdom could undoubtedly be overcome by strengthening mutual cooperation between administrations. Fifthly, if some administrations were not true to the spirit of cooperation, the Administration of Japan would be extremely concerned. In that case, the IFRB should raise the problem in its report on satellites.

3.5 The delegate of Argentina thought that, while limited natural resources should be used to the best advantage, the document submitted by the United Kingdom was nevertheless unacceptable. Besides the fact that the existing Radio Regulations were the work of the ITU Member States, it could not be presumed that countries requesting orbital positions had no intention of using them.

3.6 The delegate of Venezuela supported the delegate of Colombia and sympathized with the concern expressed by Japan. She thought that the draft Resolution would not be propitious to a rational and efficient use of the orbit and that in any event the matter did not fall within the scope of the Plenipotentiary Conference.

3.7 The delegate of Kenya agreed with the statements of the previous speakers and referred to the work of Committee 9 on the problem. He thought that the draft Resolution ran counter to the ultimate objective.

3.8 The delegate of Zimbabwe referred to Articles 4 and 29 of the Constitution and said that he could not support the United Kingdom's proposal.

3.9 The delegate of Indonesia said that the purpose of the ITU was to encourage cooperation among Members and that he could not approve some of the very strong terms in the draft Resolution.

3.10 The delegate of Saudi Arabia could not accept that administrations should be asked to submit plans for the use of orbits. No administration had in fact ever had to submit justification. It was also unacceptable that some administrations should be kept out on the grounds that they did not have the means to use their position; countries' potential could not be prejudged. He was surprised that the United Kingdom's Resolution should be being considered, when other draft Resolutions of interest had been withdrawn for lack of time, and he was firmly opposed to the United Kingdom's proposal.

3.11 The delegates of India and Tanzania were against the Resolution, as was the delegate of the Kingdom of Tonga. The delegate of Mexico regretted that the United Kingdom had called in question a consensus which had been difficult to secure and said he was opposed to the draft Resolution.

3.12 The delegates of Mali and Ecuador agreed.

3.13 The delegate of Thailand understood the intention behind the United Kingdom's draft, but thought that, if it was to be considered, it should be drafted in a more flexible and conciliatory way, as the text would be very difficult to accept as it stood.

3.14 The delegate of the United States supported the draft Resolution of the United Kingdom as he had done on 7 June and stressed the fact that, as had already been noted, many years would pass before an administrative radio conference could be convened to consider the matter under discussion.

3.15 The delegate of Niger said that the overall impression arising from the draft Resolution was a negative one. Under a) of "considering", he would have liked the text to say that the natural resources should be used efficiently and economically "for the benefit of all Members". He was afraid that if the draft Resolution were applied, it might have harmful consequences. He was therefore unable to support the United Kingdom's proposal.

3.16 The delegate of the People's Republic of China thought that the proposal would be difficult to implement. Moreover, if it was necessary to control the use of limited natural resources, the matter should be dealt with at a competent radio conference or through negotiations. The delegate of China did not, therefore, support the United Kingdom's proposal.

3.17 The delegate of the United Kingdom said that he had wanted to deal with a real problem. The Plenipotentiary Conference was the supreme organ of the Union and was therefore competent to take a decision on the matter. The question was an urgent one.

3.18 The delegate of Algeria thanked the delegate of the United Kingdom for the great efforts he had made in the presentation of his draft, but said he was surprised at the provisions it contained. He stressed the importance of the principle of equitable access, which had to be guaranteed for all countries and which had been recognized all the way through the Plenipotentiary Conference. The Members of the ITU had always been anxious to give assistance to countries that needed it, but the draft Resolution did not reflect that concern. In the field in question, assistance consisted in reserving satellite orbit positions even for countries which could not launch a satellite.

The delegate of Algeria asked the Committee not to take a retrograde step and not to return to the system of "first come, first served". He rejected the proposal of the United Kingdom.

3.19 The delegate of New Zealand pointed out that a week earlier the Committee had considered Article 29 and had agreed on a text which, in spirit, was not very far from the text submitted by the United Kingdom. He could not, however, accept the draft Resolution as it stood.

3.20 The Chairman noted that on the whole the Committee was opposed to the United Kingdom's proposal.

3.21 The delegate of the United Kingdom expressed regret that he had not received greater support, but thought there was no point in pressing the matter. He maintained his position and reserved his Delegation's right to raise the matter again at a later date.

The draft Resolution (Document DT/48) was rejected.

3.22 The delegate of Saudi Arabia, supported by the delegates of Kuwait and Morocco, suggested that at its current meeting the Committee should consider the second part of Document 48, entitled "Further improvement and enlargement of the multilingual glossary for telecommunication terms".

3.23 The Chairman replied that the agenda, as adopted at the beginning of the meeting, included consideration of the draft Resolution, but not the draft Recommendation.

The Committee took note of that information.

4. Report of Working Group 8-A (Document 332)

4.1 The Chairman of Working Group 8-A recalled the Group's three objectives, namely, to establish an appropriate mechanism for determining a definition for the region for particular purposes in the framework of the activities of the ITU, to study the questions of financial character related to the regional conferences and lastly to study the questions related to the right to vote of a Member participating in a regional administrative conference whose primary interest belongs to another region. He introduced Document 332, which included a draft Resolution relating to the procedure for defining a region and three other annexes. He pointed out that any parts of the text between square brackets had not been unanimously agreed upon by the Working Group and were referred to Committee 8 for decision.

He proposed that the Committee should consider draft Resolution [A].

4.2 The delegate of Saudi Arabia proposed deleting the word "[specific]" in the title of the draft Resolution. He was supported by the delegates of Niger and Algeria.

4.3 The delegate of New Zealand said that, although the word could be deleted in the title, it should be kept in b) under "recognizing".

4.4 The Chairman of Working Group 8-A noted that Regions 1, 2 and 3 and the broadcasting areas were defined in the Radio Regulations and pointed out that regional administrative conferences could be specific to a number of countries which did not entirely correspond to one of the regions defined in the Regulations. He was supported by the delegate of Argentina, who thought that the word "specific" should be kept.

4.5 The delegate of the United Kingdom said that in any case the word "specific" would be implicit.

4.6 The delegate of Argentina said that he would not oppose the deletion, but that the subject of the Resolution would not really be well enough defined. He might come back to the matter.

The title of draft Recommendation [A], thus amended, was approved.

4.7 With regard to the title of the Plenipotentiary Conference, in reply to a comment by the delegate of Guinea, the Chairman said that the Secretariat would check with the Editorial Committee what the correct name should be.

4.8 There followed an exchange of views on the removal of the square brackets in a) under "recognizing" and in other parts of the text, in which the delegates of Côte d'Ivoire, Senegal, the United Kingdom and Mexico took part.

It was decided to leave the text as it stood for the time being and to leave it to the Editorial Committee to remove the square brackets in due course.

Paragraph a) under "recognizing" was approved.

4.9 The delegate of Morocco asked for the words "for the use of the frequency spectrum" to be added at the end of b) under "recognizing".

4.10 The Chairman of Working Group 8-A said that, when preparing the draft Resolution, the Group had tried to analyse the different paragraphs of the operative part in relation to the provision in the paragraph under "further resolves". He was prepared to support the proposal by the delegate of Morocco.

4.11 The delegate of Argentina said it would seem from the Radio Regulations that the words "region" and "area" should have capital initials.

4.12 The delegate of France drew attention to what was said on the matter in No. 392 of the Radio Regulations.

4.13 The representative of the IFRB (Mr. Bellchambers) said that No. 392 of the Radio Regulations dealt with the allotment of frequencies and drew attention to footnote 392A, which mentioned the use of the words "region" and "regional". He thought that b) under "recognizing" should be left as it was, as the text could not give rise to any misunderstanding. If "region" were given a capital R, the word "specific" would then have to be deleted, since "Region" was understood to mean one of the Regions 1, 2 and 3 defined in the Radio Regulations.

4.14 The delegates of the United Kingdom and the USSR proposed that the text should be left as it stood.

4.15 The delegate of Argentina was prepared to accept that, but reserved his Delegation's right to raise the issue again.

Paragraph b) under "recognizing" was approved.

The meeting rose at 2120 hours.

The Secretary:

D. SCHUSTER

The Chairman:

M.F. DANDATO

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 340(Rev.1)-E

19 June 1989

Original: English

COMMITTEE 7

Algeria, Greece, India, Indonesia, Mali, Tanzania, Zimbabwe

PROPOSAL FOR THE WORK OF THE CONFERENCE

CONSTITUTION

ARTICLE ...

Plenipotentiary Conference - Structural Evolution

ADD

The Plenipotentiary Conference (Nice, 1989) decides that a Plenipotentiary Conference shall be convened in 1991-1992 to examine proposals of Members of the Union arising from the Review of the Structure and Functioning of the ITU undertaken as directed by the Plenipotentiary Conference (Nice, 1989) (Resolutions No. .. and No. ..). That Plenipotentiary Conference shall adopt amendments to the relevant provisions of the Constitution and/or [Convention] [General Regulations] arising from the decisions flowing from the examination of the proposals, using simple majority voting based on the Convention (Nairobi, 1982). That Conference shall also conduct elections as found necessary only for Directors of the permanent organs and Members of the IFRB.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 340-E

19 June 1989

Original: English

COMMITTEE 7

Algeria, Greece, India, Indonesia, Mali, Tanzania

PROPOSAL FOR THE WORK OF THE CONFERENCE

CONSTITUTION

ARTICLE ...

Plenipotentiary Conference - Structural Evolution

ADD

The Plenipotentiary Conference (Nice, 1989) decides that a Plenipotentiary Conference shall be convened in 1991-1992 to examine proposals of Members of the Union arising from the Review of the Structure and Functioning of the ITU undertaken as directed by the Plenipotentiary Conference (Nice, 1989) (Resolutions No. .. and No. ..). That Plenipotentiary Conference shall adopt amendments to the relevant provisions of the Constitution and/or [Convention] [General Regulations] arising from the decisions flowing from the examination of the proposals, using simple majority voting based on the Convention (Nairobi, 1982). That Conference shall also conduct elections as found necessary only for Directors of the permanent organs and Members of the IFRB.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 341-E
27 June 1989
Original: English

COMMITTEE 7

SUMMARY RECORD

OF THE

TWENTIETH MEETING OF COMMITTEE 7

(STRUCTURE OF THE UNION)

Monday, 19 June 1989, at 1445 hrs

Chairman: Mr. A. VARGAS ARAYA (Costa Rica)

<u>Subjects discussed:</u>	<u>Documents</u>
1. Approval of the agenda	C7/20
2. Information systems and exchange of information through the ITU (continued)	DT/52
3. Establishment of a Drafting Group 7 ad hoc 2 to consider the terms of reference for the study on the structure and working methods of the Union (continued)	DL/23
4. Consideration of necessary transitional provisions relating to a Plenipotentiary Conference to consider the review of the structure and functioning of the ITU	340

1. Approval of the agenda

1.1 The Chairman apologized to the Committee, on behalf of the Secretariat and himself, for the last minute appearance of the proposed agenda for the current meeting (C7/20) and of several documents referred to therein. Replying to a question raised by the delegate of the United States about the delay in submitting summary records of previous meetings for the Committee's approval, he said it was hoped to have available, at Committee 7's next meeting, summary records of previous meetings and a detailed report on their reproduction.

The agenda was approved.

2. Information systems and exchange of information through the ITU (continued)
(Document DT/52)

2.1 The delegate of the United Kingdom asked whether it was intended that the documents and proposals listed in Document DT/52 should appear on the agenda of the next Plenary Meeting or a proposal, that the Plenary should refer the documents and proposals to a Working Group of the Plenary.

2.2 The Chairman said that the list in Document DT/52 was based on the discussion at Committee 7's nineteenth meeting on the Committee's capacity to refer certain texts back to the Plenary, and the observations made by the Delegation of the Federal Republic of Germany and others. The Plenary was awaiting Committee 7's decision in order to know whether the item in question could appear on the agenda of its next meeting.

2.3 The delegate of Greece said that the texts in question related mainly to a computer work of the ITU and were therefore not a matter for Committee 7.

It was agreed to transmit Document DT/52 to the Plenary.

3. Establishment of a Drafting Group 7 ad hoc 2 to consider the terms of reference for the study on the structure and working methods of the Union (continued)
(Document DL/23)

3.1 The Chairman, responding to the delegate of Spain, said that he and the Secretariat sincerely regretted the delay in producing and circulating Document DL/23.

3.2 The delegate of Mexico said that paragraph 1 of the Document DL/23, as currently worded, was inappropriate to the terms of reference of a Drafting Group, and that in any case it was confusing to insert, at the current phase, the date of a future Plenipotentiary Conference at which the draft Resolution in question should be considered. The paragraph should be amended to read:

"Drafting Group 7 ad hoc 2 is responsible for producing a draft Resolution for submission to Committee 7 for its consideration, in which shall be set forth the terms of reference for the review of the structure and functioning of the ITU; the results of the review will be considered and decisions taken by the next Plenipotentiary Conference".

3.3 The Chairman said that, although the text as it stood reflected a majority view, he thought that the Mexican Delegation's proposal was appropriate.

3.4 The delegates of Paraguay, the United States and Papua New Guinea supported the Mexican proposal.

3.5 The delegate of Algeria, supported by the delegates of Indonesia, Tanzania, Zimbabwe and India, said that the text should remain as it stood.

3.6 The delegate of the Netherlands said that he supported deletion of the reference to 1991 in the first paragraph.

3.7 The Chairman asked the delegate of the Federal Republic of Germany, as coordinator of the Drafting Group concerned, how much time would be needed to complete its task.

3.8 The delegate of the Federal Republic of Germany said that he was taken aback by the request, having only just become aware of the contents of Document DL/23 and conscious that all relevant comments made throughout the Conference, not in Committee 7 alone, would have to be taken into account. The Group would carry out its task as quickly as possible, but for that purpose it would have to produce a text of a general nature, eschewing anything as specific as a date for a subsequent Plenipotentiary Conference. The Group had already carried out some drafting work, going well beyond the scope of the basic text in Document 97. He could not say to what extent the guidelines contained in the second paragraph of Document DL/23 would influence the Group's deliberations; nor could the Group undertake to complete its work by the time limit set forth in the third paragraph, since much would depend on factors such as the availability of meeting services.

3.9 The Chairman asked whether the Committee, in order to avoid prolonging the discussion, could agree to adopt the text of Document DL/23 as it stood, placing within square brackets the words "in 1991" at the end of the first paragraph and replacing the time limit in the third paragraph by "as soon as possible".

3.10 The delegates of Saudi Arabia and Colombia supported the Chairman's request.

3.11 The delegate of the United Kingdom said that the revelation that Document DL/23 was being submitted to Committee 7 without first being shown to the coordinating delegation was the latest in a series of surprising incidents. In his view, adoption of the Mexican Delegation's proposal would be the best way to ensure progress in the work.

3.12 The delegate of Japan agreed with the comments made by the delegates of Mexico and the United Kingdom.

3.13 The delegate of the Maldives said that, although he supported retention of the original text, it might speed up matters to indicate that the year mentioned in relation to the next Plenipotentiary Conference was provisional.

3.14 The delegate of Indonesia supported retention of the original text. Perhaps, in order to make progress, the Committee could adopt the Chairman's proposal, indicating at the same time the number of delegations (a majority) which had agreed to the text of DL/23 as it stood. The minority, it should be noted, included the delegations which, while voicing the need for haste, were in fact causing the delay.

3.15 The delegate of Spain said that the Chairman's proposal to place the reference to the year within square brackets was an appropriate compromise. However, the delegate of Mexico had been right to point out the difficulty in stating a year at all in relation to a subsequent Plenipotentiary Conference.

3.16 The delegate of New Zealand said his Delegation wished to place on record that it was not in favour of the text concerned and could not agree to the mention of a date, even if placed within square brackets.

3.17 The Chairman said that the reservation would be noted. He urged the Committee, to accept, if there was no strong objection, the text of Document DL/23 as it stood but with the amendments he had suggested.

It was so agreed.

4. Consideration of necessary transitional provisions relating to a Plenipotentiary Conference to consider the review of the structure and functioning of the ITU
(Document 340)

4.1 The Chairman, referring to a question posed by the delegate of India at the previous meeting of Committee 7, said that the Secretary-General was present to provide legal advice in accordance with No. 281 of the Convention. He added that some delegations had prepared Document 340 and wished it to be discussed under the present agenda item.

4.2 The delegate of India said that he had asked the Legal Adviser whether, in the event that the Plenipotentiary Conference in Nice were to take the decision that a Conference was to be convened between the present one and a normal Plenipotentiary conference, foreseen in about five to six years under No. 34 of the Nairobi Convention, the present Conference could restrict the mandate or agenda of that conference to only two items of the normal agenda as given in the provisions of Article 6. In reply to his question whether such a decision would be binding on the next Plenipotentiary Conference, either in the form of a Resolution or a Protocol, the Legal Adviser had wanted to know precisely the items that were to be considered for elimination and had said he would need time to consider the matter. The delegate of India had asked whether, in the event that the Nice Plenipotentiary Conference decided that a conference were to be held in the 1990/1992 time frame, the incumbents of the posts of Secretary-General and Deputy Secretary-General need not be subjected to re-election at that Plenipotentiary Conference and whether some action taken by the Nice Conference could provide therefor. He also enquired as to the legal status of such provisions and to what extent they would be binding on the next Plenipotentiary Conference likely to be held in 1991/92.

4.3 The Secretary-General, said that he had had discussions with the Legal Adviser concerning the situation that had arisen at the last meeting, as well as elements concerning Protocols, Resolutions and Recommendations. There was a proposal by the Delegation of Kenya seeking to introduce a form of Plenipotentiary Conference with a restricted agenda. On a second issue he said that reference had been made to a "Protocol". The Nairobi Convention contained Additional Protocols that had been becoming increasingly concerned with issues of substance rather than simple administrative ones. He concluded that if there was a wish for a type of Plenipotentiary Conference with a limited form of agenda it would be important to include that idea in the instrument to be adopted at the present Conference. The Legal Adviser had prepared an Article on transitional provisions relating to such a Plenipotentiary Conference and its provisional application. At issue was the instrument that would be in force at the time a Conference were to be convened in 1991, 1992 or other year.

4.4 The Legal Adviser, thanking the delegate of India for having repeated his question, said that it had to be borne in mind that if the present Conference intended to limit the mandate of the next Plenipotentiary Conference to be held after a period shorter than normal, the present Conference had to ensure that that was done on a legally sound treaty basis. If the present Conference would choose to do so, from the Legal Adviser's point of view, he could certainly not recommend that the Committee choose the form of a Resolution, Recommendation or even a Protocol.

The reasons could be summed up in two scenarios: the first scenario assumed that the present Conference would, on 29 June, have adopted a Constitution and a Convention, in which case the agenda, according to the Union's tradition, would be that contained in Article 6 of the Constitution and the next Plenipotentiary Conference would have to base itself on the agenda contained in that Article. Assuming that, by the date of the convening of the next Plenipotentiary Conference the Constitution would be in force - and that was a first premise and condition - and that, despite that agenda, it was desired by this Conference to bind the next Conference to a more limited agenda containing fewer issues and subjects than in Article 6 of the Constitution, then, from the legal point of view, that purpose would be best served by having a transitional provision in the same instrument to be ratified or acceded to by Members, and which would have entered into force after a number of ratifications and accessions by Members had been deposited. At the end of the Constitution could be added a special Article on transitional provisions for that next Conference, which could stipulate, by way of enumeration, which Articles of the Nice instrument were not to be touched by that next Conference and whether the new amendment procedures, as proposed by the Group of Experts and still to be discussed by Committee 9, or the general rules of procedure for decision-making should be applied there. In such a scenario, the best and soundest legal solution was to insert in the Constitution such an Article on transitional provisions; it would have to be drafted not only in relation to that point but also with respect to entry into force of any amendments to the Constitution or to the Convention adopted by that Conference. The outlined scenario was, of course, based on the assumption that, by that time, the Nice Constitution and Convention would have entered into force. Legally, the matter would thus be covered by the derogation of certain Articles which otherwise apply and by specifying which Articles could be amended on the basis of the structural review and proposals by governments, and by allowing them to take consequential measures and related issues, including elections becoming necessary as a result of that Conference's decisions.

The second scenario, which he hoped would not materialize, was the possibility that neither a Constitution nor a Convention would be adopted at the end of the present Conference. In that case, the Nairobi Convention would still continue to be in force and apply to the next Conference. If restrictions be desired by the present Conference under the Nairobi Convention regime, a treaty form would have to be found indeed in the form of a Protocol revising or amending the Nairobi Convention, similar to an Article on transitional provisions outlined before for the Nice Constitution; such a Protocol, however, would have to undergo the necessary ratification and accession procedure, so as to be in force at the time of that next Conference.

4.5 The delegate of India thanked the Secretary-General and the Legal Adviser for their clarifications. However, he still had a doubt in relation to the situation if the Constitution and Convention adopted by the Nice Conference had not entered into force by the time the next conference was convened in 1991.

4.6 The Secretary-General said that the question of whether or not the Constitution or Convention was agreed to at Nice and was adopted, its entry into force would relate to action taken in Committee 9 on the minimum number of ratifications, acceptances or approvals. If that number was low, he hoped that the second scenario would not arise, bearing in mind the suggestions for the date of the Conference.

4.7 The Legal Adviser, replying to the delegate of India, said that, if the Constitution had not entered into force by the date of the convening of that next Conference, the Nairobi Convention would prevail and apply; but that did not dismiss the possibility of a Protocol to that Convention being adopted in Nice, if so desired. However, if such a Protocol were not adopted at Nice, the Nairobi Convention, as now in force, would apply.

4.8 The delegate of Kenya, recalling his statement at the penultimate meeting, said there was a need for provision for an extraordinary Plenipotentiary Conference not only to deal with issues being discussed but also others which pointed to shortcomings in the Nairobi Convention. In view of the explanations of the Legal Adviser, he wondered whether it was more expeditious to concentrate on the Nice Constitution and Convention than to amend the Nairobi Convention through a treaty form, since the latter would also need to undergo accession and ratification procedures, and requested further clarification.

4.9 The Secretary-General said the soundest legal way of treating the matter was to introduce an Article on transitional provisions into the instruments being developed at Nice which would then provide for a restricted mandate and the application of the normal voting procedures in respect of the results of the study on the structure and working methods, as well as any election that became necessary. The Legal Adviser had developed a text which could be circulated. The soundest, most practical and legal way was a specialized article, perhaps Article 47, to deal with the question.

4.10 The delegate of the Netherlands said that the delegate of India had asked a clear question and the Secretary-General had given a clear answer. However, the comments of the Legal Adviser had related to aspects that had not been raised in Committee 7 and added that the Committee should only address them if required and once their outcome had been decided in the other Committees.

4.11 The Secretary-General said that the Legal Adviser had reminded him that if transitional provisions were to be introduced then they would have to be addressed somewhere. Such provisions had not been dealt with elsewhere and had been prepared by the Legal Adviser in response to comments at the previous meeting. He repeated that the approach felt to be the soundest was the introduction of a new Article and it could facilitate understanding of the description of what was involved, if the information prepared by the Legal Adviser could be issued as a document to assist delegations in the decision-making process in the present Conference.

4.12 The delegate of Japan concurred with the delegate of the Netherlands in that the discussion on the matter was out of place. Having listened to the Legal Adviser, he was of the opinion that the Protocol should be congruent with the Convention. With respect to the eventuality of the second scenario that no Constitution nor Convention were produced at Nice, that a Protocol were established to restrict the mandate of the Plenipotentiary Conference and that such a Protocol would prevail over the provisions of the present Convention, he requested the Legal Adviser to clarify the status of the Protocol in relation to the Convention and whether it could run counter to the provisions of the Convention.

4.13 The Secretary-General said he had noted some misunderstanding in one of the questions posed by the delegate of Japan which may have led to others. He and the Legal Adviser had assumed that the Conference would adopt a Constitution in the spirit of those objectives, but that some matters could not be resolved at the present time. Contrary to the delegate of Japan, they had assumed that the Constitution and the Convention would be adopted in Nice and were looking for the most solid legal base to permit the results of the unresolved issues to be considered in the appropriate way at a form of Plenipotentiary Conference. The need for a Protocol, therefore, would not arise if the suggestion of an Article were accepted as a way out of the dilemma. The potential problem lay in the effects of establishing a minimum number of ratifications for the real entry into force of the legal instrument, and that was being dealt with in Committee 9. If a low number were used as the base, then the problem of having to go back to the Nairobi Convention and a special Protocol thereto was unlikely to arise.

4.14 The Legal Adviser, in response to the delegate of Japan concerning the status of the Protocol in relation to the Convention, said that, under No. 45 of the Nairobi

Convention, the Plenipotentiary Conference should "revise the Convention if it considered this necessary". The Protocol revising the Nairobi Convention by specifying certain limitations, as described earlier in an additional Article with transitional provisions of the Constitution, would not run counter to the Nairobi Convention, but would indeed revise the latter in a certain specific and limited area. He noted that some delegations had similar ideas, contained in Document 340, which had not yet been distributed. However, in line with what the Secretary-General had said, and if to be discussed, it might be necessary for the Plenary Meeting to allocate that document to a Committee.

4.15 The delegate of India requested that the document prepared by the Legal Adviser be circulated for information in an appropriate form to all delegations so that all the legal provisions were clear and mistakes could be avoided later on.

4.16 The delegate of the United Kingdom said that in addition to the formal legal advice, the record of the relevant part of that afternoon's discussion should be made available to supplement the formal advice and that priority be given to that part of the record.

4.17 The delegate of Paraguay, referring to the terms "interim provisions" and "transitional article" asked whether the Constitution was able to contain anything of a transitional nature and queried their legal standing. In addition, he asked whether there was a provision in the Nairobi Convention on which to base the concept of an extraordinary Plenipotentiary Conference and whether the assembly was able to deal with it.

4.18 The Legal Adviser replied that any international treaty, including the basic instrument of an international organization, could have transitional or interim provisions for a certain period and that such a course of action was quite a common practice in many international treaty negotiations. Where required, such interim provisions formed part of the treaty and could even become obsolete or be amended at a subsequent conference. There was no legal problem in that respect. Secondly, there was no provision in the Convention on an "extraordinary" Plenipotentiary Conference as such, and, consequently, he had never mentioned that latter term. A Plenipotentiary Conference could be convened at a time decided by a preceding Plenipotentiary Conference and, as stipulated in No. 34 of the Nairobi Convention, that was to be "normally every 5 years". Precisely, the term "normally", however, did leave indeed some latitude to convene such a conference even earlier.

4.19 The delegate of Papua New Guinea said that on two occasions the Secretary-General had mentioned setting a suitably low number in Committee 9 for ratification to transitional articles which might or might not be developed. If the number was low for ratification purposes, and the Plenipotentiary Conference limited to a very narrow agenda, there could be a danger of the next Plenipotentiary Conference starting with a divisive spirit.

4.20 The Secretary-General said that he had not qualified his comments in relation to the number of instruments as being related to the transitional provision. He had referred to the fact that one of the issues as to whether or not the new Constitution would be in force in 1991 depended inclusion in the new instrument of the figure of the number of instruments to be lodged. Committee 9, as well as the Group, had put forward various possibilities on the number of instruments to be ratified or accepted before the new Constitution of Nice came into force and he did not see that as an element of divisiveness. The problem was the number of instruments that could be expected to be received in the course of the period concerned. Consistent with the requests of the delegates of India and the United Kingdom, the draft text prepared by the Legal Adviser, as well as the relevant records of the afternoon's meeting relating to the questions answered would be published immediately.

4.21 The Chairman said that Document 340 was not yet available and that therefore discussion of the matter would be left pending.

The meeting rose at 1730 hrs.

The Secretary:

A.M. RUTKOWSKI

The Chairman:

A. VARGAS ARAYA

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 342-E

19 June 1989

Original: English
French

COMMITTEE 10

**FIFTH SERIES OF TEXTS FROM COMMITTEE 9
TO THE EDITORIAL COMMITTEE**

On behalf of Committee 9, I take pleasure in transmitting to the Editorial Committee this fifth series of texts unanimously adopted by Committee 9, i.e.:

- Article 41 and
- Article 44

of the draft Constitution for consideration by Committee 10 and forwarding them to the Plenary Meeting. These texts are contained in the Annex to the present document.

H.H. SIBLESZ
Chairman of Committee 9

Annex: 1

A N N E X

ARTICLE 41

MOD **Execution of this Constitution, the Convention and the
Administrative Regulations**

NOC 182 1. The Members are bound to abide by the provision of this Constitution, the Convention and the Administrative Regulations in all telecommunication offices and stations established or operated by them which engage in international services or which are capable of causing harmful interference to radio services of other countries, except in regard to services exempted from these obligations in accordance with the provisions of Article 33 of this Constitution.

MOD 183 2. The Members are also bound to take the necessary steps to impose the observance of the provisions of this Constitution, of the Convention and of the Administrative Regulations upon private operating agencies authorized by them to establish and operate telecommunications and which engage in international services or which operate stations capable of causing harmful interference to the radio services of other countries.

ARTICLE 44

NOC **Denunciation of the Constitution
and the Convention**

MOD 195 1. Each Member which has ratified, accepted, approved or acceded to, this Constitution and the Convention shall have the right to denounce them. The denunciation of this Constitution and the Convention shall be effected, simultaneously in one single instrument, by a notification addressed to the Secretary-General. Upon receipt of such a notification, the Secretary-General shall advise the other Members thereof.

MOD 196 2. Such denunciation shall take effect at the expiration of a period of one year from the date of receipt of its notification by the Secretary-General.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 343-E

19 June 1989

Original: English

FOR INFORMATION

NOTE BY THE CHAIRMAN OF THE WORKING GROUP PL-A

Following the request made during the first session of Working Group PL-A, dealing with the changing telecommunication environment, I have the honour to submit herewith the introductory remark made by Mr. Poul Hansen, Chairman of the Advisory Group of the Secretary-General on telecommunications policy.

G. WARREN
Chairman

Attachment: 1

Danish Delegation to the ITU Plenipotentiary Conference
Poul Hansen
Adviser to the Delegation

19 June 1989

Mr. Chairman,
Distinguished Delegates,

As Chairman of the Advisory Group on Telecommunication Policy, it is a great privilege for me to be given the opportunity to address this Working Group of the Plenary Assembly of the Conference at the time when it opens its debate concerning the changing telecommunications environment.

The changing telecommunications environment and its impact on national and international levels has already been a continual theme in the Plenary's general policy statements, and later the issue was put on the Plenary agenda on 2 June as a specific item for discussion. The discussion in Plenary resulted in this group. I take this occasion to thank the distinguished Ministers and Heads of delegations for the complimentary remarks made on the report and the appreciation of the work of the Voluntary Group of Experts, which I had the honour to chair. The group consisted of individuals all acting in their personal capacity. The group based its analysis and recommendations on already existing documentation. Also a number of experts in different parts of the world provided their comments and criticisms of the group's draft report, and the report was certainly improved because of them. Let me assert here to your meeting that the group carried out its work independently and arrived at its own conclusions on the basis of its findings.

The report describes general trends of development in the telecommunication sector and related areas. It also offers recommendations at the country level, at the regional level, and at the international level.

The major message of the report to the policy makers is that the changes in telecommunication environment, the growing complexity and the wide range of complex issues that follow, required a concerted set of policy actions at all three levels - national, regional and international.

I am not going to spend the valuable time of this meeting by outlining in detail the content of the descriptive parts of the report, Chapters I-IV.

Rather, I would concentrate on the recommendations contained in our report. I shall try to be short and concentrate on some of the findings possibly being of most interest to the distinguished delegates.

Concerning our findings and recommendations at country level we found that most developing countries have all the adjustment problems of the developed countries, plus additional difficulties arising from their special circumstance, and that the basic findings and recommendations appear to be generally applicable for all countries.

Telecommunication has acquired strategic importance. With globalization and increasing information intensity of economic activity the importance of telecommunication now transcends the established organizations responsible for providing basic services. It now reaches all fields of economic and social endeavour.

Sector reforms have become necessary. Sector reforms in different countries exhibit some common elements including: diversifying the supply of services; reducing the scope of monopoly control; increasing market orientation of operations and investments; and changing the role of government.

Our basic recommendations at country level refer among other things to:

- 1) Operational efficiency - irrespective of who owns the entities, they must be operated efficiently. We recommend a number of measures to achieve efficient performance.
- 2) We recommend separating telecommunication from other operations. We find that efficient provision of telecommunication services will substantially reduce the need for subsidies.
- 3) The group also found that some diversity of service of telecommunication services seems to be desirable. It is no longer practical or economically efficient for a single entity to provide a full range of services to all possible customers.
- 4) Furthermore the group points out that it is becoming necessary to separate and build up national policy and regulatory responsibilities independently from the operating entities.

As far as concerns additional recommendations for developing countries, I beg to refer to pages 38 and 39 of the report, and I shall only mention that the recommendations deal with establishing legislation framework, creating regulatory mechanism, developing specific strategies, human resources development and more.

Mr. Chairman, I shall now comment on issues and recommendations of regional level. Telecommunication systems are becoming transnational. Physical networks are interconnected regionally; services are crossing borders; tariffs are being coordinated; regional standards institutions are being established; and planning of regional satellite systems continues.

In the policy area, some regional and subregional bodies are providing leadership and coordination in plans for restructuring telecommunications administrations, such as in the EC Green Paper.

Regional operating companies are emerging and suggest one model for consideration by developing countries. Telecommunication issues have also been important to GATT and OECD.

It is on this background that the report is presenting a number of recommendations at the regional level.

The report states:

"Since there will be challenging new functions for regional organizations assisting with policy development and industry restructuring, the organization and management of existing regional organizations will need to be modified and strengthened."

The report also reads:

"The regional UN Economic Commissions and the regional development banks should work jointly with the appropriate regional telecommunication bodies."

For further details on the regional level, I beg you to refer to the report.

As for the international level, the group finds that, with its proven track record of international cooperation, the ITU is the only telecommunication organization in which virtually all governments of the world are Members. ITU is therefore:

- uniquely positioned:
 - a) to provide a forum for the coordination, information exchange, discussion and harmonization of national, regional and international telecommunication policies;
- and also uniquely positioned:
 - b) to promote, facilitate and coordinate participation of new actors in the international telecommunication sector; and
 - c) to analyse and disseminate information and knowledge to Members and interested parties, and to advise countries and regional organizations seeking assistance.

In the group's opinion the international community should take advantage of the unique position of the ITU in order to advance the growth and expansion of the global telecommunication network in a coordinated manner for the benefit of all.

The report offers a number of general recommendations at the international level. First of all, it is recommended that the detailed implications of the changing environment be studied as a basis for developing plans for reshaping the ITU. In this process the ITU should respond to the changes occurring at national, regional and international levels. It should enter into active cooperation with regional organizations and institutions, and with other international organizations such as GATT, UNCTAD and OECD which now must address telecommunication issues as part of their responsibilities. It should also be made possible for the ITU to integrate new actors on the international telecommunication scene, including regional organizations and major user groups, into the processes of international cooperation and policy development. The study proposed in our report should serve as a basis for the ITU to re-assess its traditional mission and structure.

The new ITU should serve as an international focal point during the transition to a global public information fabric. It should serve as a continuing mechanism for the voluntary harmonization of the diverse national, regional, international and private sector perspectives and activities. The ITU should be a catalyst, playing facilitating, stimulating and harmonizing roles. However, the Union should also continue to perform its traditional activities in standardization, regulation and development, yet at an accelerated rate.

In the context outlined, the ITU should promote and conduct on-going policy research as a basis for building a more informed knowledge base about the implications of policy alternatives. This should include fundamental issues such as the effects of telecommunication on economic and social development and options for attracting capital for investment in telecommunication. The ITU should share this information and knowledge, and act as a catalyst to facilitate beneficial changes by offering advice to national, regional, and international bodies.

Mr. Chairman, Distinguished Delegates, for further details of the recommendations offered at the international level, I draw your attention to pages 44 to 49 in our report. Here you will also find a list of proposals for policy analysis and case studies.

In summary, Mr. Chairman, our report operates with three categories of recommendations concerning the ITU, namely:

First, recommendations related to the concept of voluntary policy harmonization, second, recommendations related to measures to better meet the growing needs of its developing country Members, and third, the needs for streamlining and rationalizing the ITU.

In this presentation, I have especially emphasized the issues related to the concept of international policy harmonization taking into account that this aspect, as I understand it, has still to be looked into in more depth by this Conference.

Mr. Chairman, let me finally say that it is the sincere hope of the Advisory Group, which I represent, that our report will provide useful guidance for the Members of the ITU, and that the participants in this Plenipotentiary Conference in the wonderful city of Nice, will take the necessary decisions and initiatives for making appropriate adjustments to the ITU machinery.

Mr. Chairman, Ladies and Gentlemen, thank you all for your kind attention.

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 344-E

19 June 1989

Original: English

COMMITTEE 10

SECOND SERIES OF TEXTS FROM COMMITTEE 8 TO THE EDITORIAL COMMITTEE

Committee 8 has adopted the attached texts, which it submits to the Editorial Committee for consideration and for transmission in due course to the Plenary Meeting.

M.F. DANDATO
Chairman of Committee 8

Annex

ANNEX

Texts for the Constitution

ARTICLE 4

NOC

Purposes of the Union

NOC 13

1. The purposes of the Union are:

NOC 14

a) to maintain and extend international cooperation between all Members of the Union for the improvement and rational use of telecommunications of all kinds, as well as to promote and to offer technical assistance to developing countries in the field of telecommunications;

NOC 15

b) to promote the development of technical facilities and their most efficient operation with a view to improving the efficiency of telecommunication services, increasing their usefulness and making them, so far as possible, generally available to the public;

ADD 15A bb) promote the use of telecommunication services with the objective of facilitating peaceful relations.

MOD 16 c) to harmonize the actions of ~~nations~~ [Members]* in the attainment of those ends.

NOC 17

2. To this end, the Union shall in particular:

* Subject to the outcome of Committee 9.

- MOD 18* a) effect allocation of the radio frequency spectrum and registration of radio frequency assignments and orbital positions in the geostationary-satellite orbit in order to avoid harmful interference between radio stations of different ~~countries~~ [Members];1)
- MOD 19 b) coordinate efforts to eliminate harmful interference between radio stations of different countries and to improve the use made of the radio frequency spectrum, and of the geostationary-satellite orbit for space radiocommunications services;
- ADD 19A bb) to facilitate the world-wide standardization of telecommunications, with a satisfactory quality of service.
- NOC 20 c) foster international cooperation in the delivery of technical assistance to the developing countries and the creation, development and improvement of telecommunication equipment and networks in developing countries by every means at its disposal, including through its participation in the relevant programmes of the United Nations and the use of its own resources, as appropriate;
- MOD 21 d) coordinate efforts ~~with a view to harmonizing~~ to harmonize the development of telecommunication facilities, notably those using space techniques, with a view to full advantage being taken of their possibilities;

1) Subject to the outcome of Committee 9.

18* Reserves: S, AUS, HOL, F, D, CAN, USA, FNL, J.

- NOC 22 e) foster collaboration among its Members with a view to the establishment of rates at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining independent financial administration of telecommunication on a sound basis;
- NOC 23 f) promote the adoption of measures for ensuring the safety of life through the cooperation of telecommunication services;
- NOC 24 g) undertake studies, make regulations, adopt resolutions, formulate recommendations and opinions, and collect and publish information concerning telecommunication matters.

CLM/149/1
ADD

24A

- h) promote with international financial organizations the establishment of preferential and favourable lines of credit to be used for the development of social projects aimed at extending the telephone service to the most isolated areas in countries.

ARTICLE 7

Administrative Conferences

48 - 55 [COM 7]

NOC 56 (2) The agenda of a regional administrative conference may provide only for specific telecommunication questions of a regional nature, including instructions to the International Frequency Registration Board regarding its activities in respect of the region concerned, provided such instructions do not conflict with the interests of other regions. Furthermore, the decisions of such a conference must in all circumstances be in conformity with the provisions of the Administrative Regulations.

ARTICLE 14

NOC **Organization of the Work and Conduct of Discussions
 at Conferences and Other Meetings**

NOC [105] 107 1. For the organization of their work and the conduct of their discussions, conferences and the Plenary Assemblies and meetings of the International Consultative Committees shall apply the Rules of Procedure in the Convention.

NOC [106] 108 2. Conferences, the Administrative Council and Plenary Assemblies and meetings of International Consultative Committees may adopt such rules as they consider to be essential in addition to those in the Rules of Procedure. Such additional rules must, however, be compatible with this Constitution and the Convention; those adopted by Plenary Assemblies and study groups shall be published in the form of a resolution in the documents of the Plenary Assemblies.

ARTICLE 18

NOC

NO C

ARTICLE 19

NOC

NOC

NOC

ARTICLE 20

NOC

Suspension of Services

MOD [134] 139 Each Member reserves the right to suspend the international telecommunication service ~~for an indefinite time~~, either generally or only for certain relations and/or for certain kinds of correspondence, outgoing, incoming or in transit, provided that it immediately notifies such action to each of the other Members through the medium of the Secretary-General.

ARTICLE 21

NOC

Responsibility

NOC [135] 140 Members accept no responsibility towards users of the international telecommunication services, particularly as regards claims for damages.

ARTICLE 22

Secrecy of Telecommunications

NOC

NOC [136] 141 1. Members agree to take all possible measures, compatible with the system of telecommunication used, with a view to ensuring the secrecy of international correspondence.

NOC [137] 142 2. Nevertheless, they reserve the right to communicate such correspondence to the competent authorities in order to ensure the application of their internal laws or the execution of international conventions to which they are parties.

ARTICLE 23

Establishment, Operation and Protection
of Telecommunication Channels and Installations

NOC

NOC [138] 143 1. Members shall take such steps as may be necessary to ensure the establishment, under the best technical conditions, of the channels and installations necessary to carry on the rapid and uninterrupted exchange of international telecommunications.

NOC [139] 144 2. So far as possible, these channels and installations must be operated by the methods and procedures which practical operating experience has shown to be the best. They must be maintained in proper operating condition and kept abreast of scientific and technical progress.

NOC [140] 145 3. Members shall safeguard these channels and installations within their jurisdiction.

NOC [141] 146 4. Unless other conditions are laid down by special arrangements, each Member shall take such steps as may be necessary to ensure maintenance of those sections of international telecommunication circuits within its control.

ARTICLE 24

NOC

Notification of Infringements

NOC. [142] 147 In order to facilitate the application of the provisions of Article 41 [44] of this Constitution, Members undertake to inform one another of infringements of the provisions of this Constitution, the Convention and of the Administrative Regulations.

ARTICLE 25

NOC

Priority of Telecommunications Concerning Safety of Life

NOC [143] 148 The international telecommunication services must give absolute priority to all telecommunications concerning safety of life at sea, on land, in the air or in outer space, as well as to epidemiological telecommunications of exceptional urgency of the World Health Organization.

ARTICLE 26

MOD Priority of Government ~~Telegraphs and Telephone Calls~~ Telecommunications

MOD [144] 149 Subject to the provisions of Articles 25 and 31 [36] of this Constitution, government ~~telegrams~~ telecommunications (see No. [2018]) shall enjoy priority over other ~~telegrams telecommunications~~ when priority is requested for them by the sender. ~~Government telephone calls may also be given priority, upon specific request and to the extent practicable, over other telephone calls.~~ to the extent practicable upon specific request by the originator.

ARTICLE 27 [31]

NOC

Special Arrangements

MOD [151] 150 Members reserve for themselves, for the private operating agencies recognized by them and for other agencies duly authorized to do so, the right to make special arrangements on telecommunication matters which do not concern Members in general. Such arrangements, however, shall not be in conflict with the terms of this Constitution, of the Convention or of the Administrative Regulations [annexed thereto],^{*} so far as concerns the harmful interference which their operation might be likely to cause to the radio services of other Members, and in general so far as concerns the technical harm which their operation might cause to the operation of other telecommunication services of other Members.

* Subject to the outcome of Committee 9.

ARTICLE 28 [32]

NOC Regional Conferences, Arrangements and Organizations

NOC [152] 151 Members reserve the right to convene regional conferences, to make regional arrangements and to form regional organizations, for the purpose of settling telecommunication questions which are susceptible of being treated on a regional basis. Such arrangements shall not be in conflict with either this Constitution or the Convention.

ARTICLE 29 [33]

MOD ~~Rational~~ Use of the Radio Frequency Spectrum
 and of the Geostationary Satellite Orbit

NOC [153] 152 1. Members shall endeavour to limit the number of frequencies and the spectrum space used to the minimum essential to provide in a satisfactory manner the necessary services. To that end they shall endeavour to apply the latest technical advances as soon as possible.

MOD [154] 153 2. In using frequency bands for radio services, Members shall bear in mind that radio frequencies and the geostationary-satellite orbit are limited natural resources and that they must be used rationally, efficiently and economically, in conformity with the provision of the Radio Regulations, so that ~~countries~~ [Members]* or groups of ~~countries~~ [Members]* may have equitable access to both, taking into account the special needs of the developing ~~countries~~ [Members]* and the geographical situation of particular ~~countries~~ [Members]*.

* Subject to the outcome of Committee 9.

ARTICLE 30 [35]

Harmful Interference

- NOC
NOC [158] 154 1. All stations, whatever their purpose, must be established and operated in such a manner as not to cause harmful interference to the radio services or communications of other Members or of recognized private operating agencies, or of other duly authorized operating agencies which carry on radio service, and which operate in accordance with the provisions of the Radio Regulations.
- OC [159] 155 2. Each Member undertakes to require the private operating agencies which it recognizes and the other operating agencies duly authorized for this purpose, to observe the provisions of No. 154 [158] of this Constitution.
- MOD [160] 156 3. Further, the Members recognize the ~~desirability~~ necessity of taking all practicable steps to prevent the operation of electrical apparatus and installations of all kinds from causing harmful interference to the radio services or communications mentioned in No. 154 [158] of this Constitution.

ARTICLE 31 [36]

NOC

Distress Calls and Messages

NOC [161] 157 Radio stations shall be obliged to accept, with absolute priority, distress calls and messages regardless of their origin, to reply in the same manner to such messages, and immediately to take such action in regard thereto as may be required.

ARTICLE 32 [37]

NOC

**False or Deceptive Distress, Urgency,
Safety or Identification Signals**

NOC [162] 158 Members agree to take the steps required to prevent the transmission or circulation of false or deceptive distress, urgency, safety or identification signals, and to collaborate in locating and identifying stations under their jurisdiction transmitting such signals.

ARTICLE 33 [38]

NOC

Installations for National Defence Services

MOD [163] 159 1. Members retain their entire freedom with regard to military radio installations, ~~of their army, naval and air forces.~~

NOC [164] 160 2. Nevertheless, these installations must, so far as possible, observe statutory provisions relative to giving assistance in case of distress and to the measures to be taken to prevent harmful interference, and the provisions of the Administrative Regulations concerning the types of emission and the frequencies to be used, according to the nature of the service performed by such installations.

NOC [165] 161 3. Moreover, when these installations take part in the service of public correspondence or other services governed by the Administrative Regulations, they must, in general, comply with the regulatory provisions for the conduct of such services.

Article 34 [39]

Relations With the United Nations

NOC

NOC [166] 162 1. The relationship between the United Nations and the International Telecommunication Union is defined in the Agreement concluded between these two organizations.

[167] 163 [COM.9]

ARTICLE 35 [40]

NOC

Relations With International Organizations

NOC [168] 164 In furtherance of complete international coordination on matters affecting telecommunication, the Union shall cooperate with international organizations having related interests and activities.

ARTICLE 45 [49]

NOC

Relations With Non-Members

NOC [187] 197 Each Member reserves to itself and to the recognized private operating agencies the right to fix the conditions on which it admits telecommunications exchanged with a State which is not a Member of the Union. If a telecommunication originating in the territory of such a State is accepted by a Member, it must be transmitted and, insofar as it follows the telecommunication channels of a Member, the obligatory provisions of this Constitution, of the Convention and of the Administrative Regulations and the usual charges shall apply to it.

CONFÉRENCE DE PLÉNIPOTENTIAIRES

NICE, 1989

Corrigendum 1 au
Document 345-F/E/S
20 juin 1989

SEANCE PLENIERE

RAPPORT DU PRESIDENT DE LA COMMISSION 5
(QUESTIONS RELATIVES AU PERSONNEL)
A LA SEANCE PLENIERE

Ne concerne pas le texte français.

REPORT OF THE CHAIRMAN OF COMMITTEE 5
(STAFF MATTERS)
TO THE PLENARY MEETING

Page 4, paragraph 14, third line, after the words "alternative texts, delete the words "as shown in Annex 1 to this report."

INFORME DEL PRESIDENTE DE LA COMISION 5
(ASUNTOS DEL PERSONAL)
A LA SESION PLENARIA

No concierne al texto español.

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 345-E

19 June 1989

Original: Spanish

PLENARY MEETING

REPORT OF THE CHAIRMAN OF COMMITTEE 5 (STAFF MATTERS) TO THE PLENARY MEETING

The Report of the Chairman of Committee 5 (Staff Matters) is submitted in annex for consideration by the Plenary Meeting.

F. MOLINA NEGRO
Chairman of Committee 5

Annex: 1

REPORT OF THE CHAIRMAN OF COMMITTEE 5
(STAFF MATTERS)
TO THE PLENARY MEETING

1. Committee 5 held a series of eight meetings and finished its work, in accordance with the terms of reference in Document 118 and the decisions on the schedule of the Conference, on Saturday, 10 June 1989. The Committee established one working group which held a meeting on Friday, 9 June 1989. A very limited number of delegations attended these meetings and participated in the work of Committee 5.

2. With the agreement of the delegates, the Chairman of the Staff Council addressed the first meeting of Committee 5 and participated as an observer in all meetings of the Committee and its working group. Staff representatives on the ITU Staff Pension Committee were also invited to comment upon matters related to pensions brought before the Committee.

3. The first two meetings of the Committee were devoted to consideration of the relevant parts of the Report of the Administrative Council to the Plenipotentiary Conference (Document 47) and to an in-depth discussion of the Planned Pension Purchasing Power Protection Insurance (PPPPPI) (Document 30). Delegates expressed their appreciation of the dedication shown by staff in contributing to the successful completion of the extensive programme of work which had been undertaken since the last Plenipotentiary Conference and commended the staff for their efforts.

4. Following requests for further information relating to United Nations General Assembly resolutions dealing with the role and functions of the International Civil Service Commission (ICSC) and the United Nations Joint Staff Pension Board (UNJSPB), the Committee suspended its consideration of pension matters pending the provision of this information. In response to a specific request, an information document containing the personal views of the Secretary of the UNJSPB on the PPPPPI, prior to the consideration of this matter by the Board, was also placed before the Committee. The views of the staff were provided in another information document.

5. The Committee considered the general staff policy and management of the Union (Document 29) and took action on a number of issues.

5.1 Resolution No. COM5/3 was adopted on the subject of the Recruitment of Union Staff.

5.2 The Committee agreed with the ICSC recommendation that, upon completion of five years of service, each employee be given every reasonable consideration for a career appointment.

5.3 The need to provide adequate resources for post classification work was agreed.

5.4 Resolution No. COM5/2 was adopted on the subject of In-Service Training.

5.5 The need for human resource planning was discussed in the context of an in-service training programme for the staff and it was decided that a working group of interested delegations, together with the Chairman of the Staff Council and with the assistance of the Secretariat, should prepare a separate draft Resolution on this subject. Due to time limitations, this draft Resolution could not be taken up in Committee 5 but would be submitted directly to the Plenary Meeting.

5.6 The Committee did not consider the ICSC recommendations on promotion policy to be applicable to the ITU.

- 5.7 The practice of the Union concerning the use of linked grades was approved.
- 5.8 The recommendations of the ICSC relating to the recognition of long-service were adopted for application in the ITU.
- 5.9 The conclusions of the Committee on the subject of the geographical distribution of the staff of the Union are included in Resolution No. COM5/3.
- 5.10 The Committee noted that the recommendations of the ICSC with regard to retirement policy were entirely respected by the Union.
6. On concluding consideration of the general staff policy and management of the Union, a note concerning decisions having financial implications was sent to the Chairman of Committee 4 (Document 235).
7. Committee 5 considered the actuarial situation of the ITU Staff Superannuation and Benevolent Funds (Document 32) and noted that Committee 4 had already approved the financial provision required. Following clarification concerning these Funds by the Secretary of the Pension Committee, Resolution No. COM5/5 was adopted.
8. The staffing requirements of the Union as related to the establishment of financial ceilings (Document 87) were considered and the Committee arrived at the following conclusions:
- 8.1 the transfer of credits from Section 17 of the budget to Sections 2 and 3 was approved;
- 8.2 the re-establishment of the credits for posts which remain frozen was also approved;
- 8.3 although it was agreed that some provisions for staff growth should be included in the financial ceilings to be adopted, the Committee could not agree the provision of one per cent per year of staff costs. (A figure of 0.5% was suggested.)
9. The question of salaries of ITU elected officials (Document 31) was considered and Resolution No. COM5/4 was adopted.
10. These conclusions and Resolution No. COM5/4 were transmitted to Committee 4 in Document 288.
11. The Committee noted that, with the exception of proposal SLM/17/20, the proposals relating to Article 13 of the Draft Constitution depended upon decisions that would be adopted by Committee 7. It was concluded that it would be premature for Committee 5 to address these proposals at this time.
12. Proposal SLM/17/20 received no support in the Committee and was not retained.
13. After an extensive debate on pension matters, Committee 5 was unable to achieve consensus on the adoption of a resolution to replace Resolution No. 61 of the Nairobi Plenipotentiary Conference. A number of delegations were unable to accept any departure from the provisions specifically recommended by the UNJSPB and adopted by decision of the UNGA whereas other delegations were prepared to consider the introduction of measures along the lines indicated in Document 30 and tailored to the situation of the staff of the ITU.

14. The Working Group set up by the Committee to prepare a consolidated text of a draft Resolution on the Adjustment of Pensions provided the Committee with two alternative texts as shown in Annex 1 to this report. After taking a vote on these alternative texts, the Committee adopted Resolution No. COM5/1, included as Annex 1 to this report. The text of Resolution No. COM5/1 has been sent to the Editorial Committee for consideration and transmission to the Plenary Meeting.

15. The text of Resolution No. COM5/1 was adopted following a vote in which a total of 37 delegations participated. The result of the vote was as follows:

<u>For</u>	<u>Against</u>	<u>Abstaining</u>
26	7	4

Voting on the alternative text proposed by the Working Group was as follows:

<u>For</u>	<u>Against</u>	<u>Abstaining</u>
8	24	5

Annex: 1

ANNEX 1

RESOLUTION No. COM5/1

Adjustment of Pensions

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

recalling

Resolution No. 61 adopted by the Plenipotentiary Conference of Nairobi (1982) in
connection with the adjustment of the level of pensions,

having considered

the reports of the Administrative Council, the Secretary-General and the ITU
Staff Pension Committee,

acknowledging

the concern of ITU staff about the level of pensions in the present system and
possible subsequent changes to it, as well as the potential effects of future monetary
fluctuations and inflation,

concerned

by the fact that no long-term solution has yet been found which satisfies the
concerns expressed by the staff on this issue,

further concerned

by the uncertainties which weigh heavily on the future level of pensions and
their consequences for the staff in the professional and higher categories retiring to
countries with strong currencies,

noting that

the United Nations General Assembly has commissioned reviews of staff
remuneration and conditions of service and pensions and is to take decisions on these
matters by the end of 1990,

noting further that

interim measures have been taken within the framework of the United Nations
common system to reduce the impact of currency fluctuations and that these measures
will come to an end on 31 December 1990 and will not constitute an acquired right,

reaffirming

the strong attachment of ITU Members to the UN common system,

strongly urges

the representative of the ITU Staff Pension Committee on the United Nations Joint Staff Pension Board to take all the necessary steps to ensure that the proposal for a Pension Purchasing Power Protection Insurance Plan is fully evaluated as one possible response to the concerns of ITU staff and to insist that an appropriate solution is found to the problem;

urges

all ITU Members to take all the necessary steps to ensure that the concerns of ITU staff are properly understood by Members' representatives dealing with the general policy of remuneration and conditions of service of international civil servants in order that these concerns are taken into account in the decision-making process;

instructs the Administrative Council

to follow carefully the evolution of this issue in order to ensure that ITU views are fully and appropriately represented in the common system bodies responsible for the pensions of ITU staff and to implement any decision adopted within the framework of the United Nations common system;

instructs the Secretary-General

to transmit the text of this Resolution to the Secretary-General of the United Nations and to the relevant United Nations bodies responsible for staff conditions of service and remuneration including pensions.

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 346-E

19 June 1989

Original: English

COMMITTEE 10

THIRD SERIES OF TEXTS FROM COMMITTEE 5 TO THE EDITORIAL COMMITTEE

Committee 5 has adopted the attached text, which it submits to the Editorial Committee for consideration and for transmission in due course to the Plenary Meeting.

F. MOLINA NEGRO
Chairman of Committee 5

Annex: 1

ANNEX

RESOLUTION No. COM5/1

Adjustment of Pensions

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

recalling

Resolution No. 61 adopted by the Plenipotentiary Conference of Nairobi (1982) in
connection with the adjustment of the level of pensions,

having considered

the reports of the Administrative Council, the Secretary-General and the ITU
Staff Pension Committee,

acknowledging

the concern of ITU staff about the level of pensions in the present system and
possible subsequent changes to it, as well as the potential effects of future monetary
fluctuations and inflation,

concerned

by the fact that no long-term solution has yet been found which satisfies the
concerns expressed by the staff on this issue,

further concerned

by the uncertainties which weigh heavily on the future level of pensions and
their consequences for the staff in the professional and higher categories retiring to
countries with strong currencies,

noting that

the United Nations General Assembly has commissioned reviews of staff
remuneration and conditions of service and pensions and is to take decisions on these
matters by the end of 1990,

noting further that

interim measures have been taken within the framework of the United Nations
common system to reduce the impact of currency fluctuations and that these measures
will come to an end on 31 December 1990 and will not constitute an acquired right,

reaffirming

the strong attachment of ITU Members to the UN common system,

strongly urges

the representative of the ITU Staff Pension Committee on the United Nations Joint Staff Pension Board to take all the necessary steps to ensure that the proposal for a Pension Purchasing Power Protection Insurance Plan is fully evaluated as one possible response to the concerns of ITU staff and to insist that an appropriate solution is found to the problem;

urges

all ITU Members to take all the necessary steps to ensure that the concerns of ITU staff are properly understood by Members' representatives dealing with the general policy of remuneration and conditions of service of international civil servants in order that these concerns are taken into account in the decision-making process;

instructs the Administrative Council

to follow carefully the evolution of this issue in order to ensure that ITU views are fully and appropriately represented in the common system bodies responsible for the pensions of ITU staff and to implement any decision adopted within the framework of the United Nations common system;

instructs the Secretary-General

to transmit the text of this Resolution to the Secretary-General of the United Nations and to the relevant United Nations bodies responsible for staff conditions of service and remuneration including pensions.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 347-E

19 June 1989

Original: English

PLENARY MEETING

**Note by the Chairman of Committee 5 to
to the Plenary Meeting**

**DRAFT
RESOLUTION ON HUMAN RESOURCES DEVELOPMENT**

As indicated in the Report of the Chairman of Committee 5 (Staff Matters) to the Plenary Meeting (Document 345), a working group has prepared a draft Resolution on "Human Resources Development".

The annexed draft Resolution is submitted to the Plenary Meeting for its consideration.

**F. MOLINA NEGRO
Chairman of Committee 5**

Annex: 1

DRAFT RESOLUTION No. COM5/6

Human Resources Development

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

recognizing

the value of the human resources of the Union to the fulfillment of its goals,

further recognizing

the mutual value of the Union and to the staff Members of developing those
resources to their fullest,

considering

the impact on the ITU and its staff of the continuing evolution of the
activities in the domain of telecommunications and the need for the organization and
its human resources to adapt to any such change,

noting

that the ICSC recognizes human resources management as "a systematic approach,
contributing to the efficient and effective utilization of human resources",

recalling

its decisions on recruitment (Resolution No. COM5/3), on in-service training
(Resolution No. COM5/2), and on post classification,

resolves

1. that the systematic development of human resources in the Union should
take account of the nature of its work and of its size;

2. that principles of human resources development should be applied with
regard to recruitment, training, job-evaluation, post performance-evaluation, appraisal
of further career-potential and separation;

instructs the Secretary-General

to study how human resources development principles, taking into account the
recommendations of the ICSC, could best be applied within the Union, and report to the
Administrative Council;

requests the Administrative Council

to ensure that the necessary resources are available for conducting this study;

to examine in the light of the potential financial implications, the report by
the Secretary-General on this matter and to decide on its implementation.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to
Document 348-E
21 June 1989

COMMITTEE 7

FINAL REPORT OF THE CHAIRMAN OF DRAFTING GROUP 7 AD HOC 1 TO COMMITTEE 7

Page 1, read the first paragraph as follows:

"Drafting Group 7 ad hoc 1 had its second meeting on 19 June 1989 to complete its review of the working methods of the International Consultative Committees."

Page 2, read the second paragraph as follows:

"86A (4) The Recommendations of each Consultative Committee shall address those characteristics considered necessary for the efficient and rational use of telecommunications and of the radio-frequency spectrum [and the geostationary-satellite orbit]. ***"

Page 9, read the second paragraph as follows:

"224A Study Groups may initiate action for obtaining approval from Members for Recommendations completed between Plenary Assemblies. The procedures to be applied for obtaining such approval shall be those approved by the relevant Plenary Assembly. Recommendations so approved shall have the same status as ones approved by the Plenary Assembly."

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 348-E

19 June 1989

Original: English

COMMITTEE 7

FINAL REPORT OF THE CHAIRMAN OF DRAFTING GROUP 7 AD HOC 1 TO COMMITTEE 7

Drafting Group 7 ad hoc 1 had its second meeting on 19 June 1989 to complete its records of the working methods of the International Consultative Committees.

Representatives of some 20 countries participated in the work of the ad hoc Group.

The final results of the examination of Article 11 of the Constitution (Nos. 86, 89, 94 and 95 only) and Articles 6, 16, 17, 18, 20, 21, 22, 23 and 24 of the Convention are presented in the annex.

K. HOFFMAN

Chairman of Drafting Group 7 ad hoc 1

Annex: 1

ANNEX

CONSTITUTION

ARTICLE 11*

- 86 (3) In the performance of its studies, [each]**/[the] Consultative Committee shall pay due attention to the study of questions and to the formulation of recommendations directly connected with the establishment, development and improvement of telecommunications in developing countries in both the regional and international fields. [Each]/[The] Consultative Committee shall conduct its work with due consideration for the work of national and regional standardization bodies keeping in mind the need for the ITU to maintain its pre-eminent position in the field of world-wide standardization for telecommunications.
- 86A (4) The technical and operating Recommendations of each Consultative Committee shall address those characteristics considered necessary for the efficient and rational use of telecommunications and of the radio-frequency spectrum [and the geostationary-satellite orbit].***
- 87 2. The International [Consultative Committees]**/[Telecommunication Consultative Committee] shall have as members:
- 88 a) of right, the administrations of all Members of the Union;
- 89 b) any recognized private operating agency or any scientific or industrial organization which, with the approval of the Member which has recognized it, expresses a desire to participate in the work of these Committees.
- [94***] [4. [(1)]¹⁷ [The Director shall be elected by the Plenipotentiary Conference for the interval between two Plenipotentiary Conferences. He shall be eligible for re-election [once only]¹⁸ [at the next Plenipotentiary Conference.]]¹⁹ If the position becomes unexpectedly vacant, the Administrative Council shall appoint a new Director at its next annual session in accordance with the relevant provisions of Article 3 of the Convention.

* The other provisions of Article 11 of the Constitution were not examined by the Drafting Group.

** Existing text.

*** The text in square brackets have been added by the Chairman of Drafting Group 7 ad hoc 1, taking into account discussions in the Drafting Group.

¹⁷USA/96/9

¹⁸HNG/22/6; CAN/72/31; NIG/74/6

¹⁹ALG/57/8; CAN/72/31

(2) If in the interval between two Plenipotentiary Conferences which elect Directors of the CCIs, an elected Director resigns or abandons his duties or dies, the Secretary-General shall invite the Members of the Union to propose candidates for the election of a replacement at the next annual session of the Administrative Council. However, if the vacancy occurs more than 90 days before the session of the Administrative Council or after the session of the Administrative Council preceding the next Plenipotentiary Conference, the Member of the Union concerned shall designate, as soon as possible and within 90 days, another national as a replacement who will remain in office until the new Director elected by the Administrative Council takes office or until the new Directors elected by the next Plenipotentiary Conference take office as appropriate; in both cases the travel expenses incurred by the replacement Director shall be borne by his Administration. The replacement shall be eligible for election by the Administrative Council or by the Plenipotentiary Conference, as appropriate.]²⁰

[95*** 5. There shall be a World Plan Committee, and such Regional Plan Committees as may be jointly approved by the Plenary Assemblies of the International Consultative Committees. These Plan Committees shall develop a General Plan for the international telecommunication network to facilitate coordinated development of international telecommunication services. They shall refer to the International Consultative Committees questions the study of which is of particular interest to developing countries and which are within the terms of reference of those Consultative Committees.]²¹

²⁰USA/96/10

²¹ETH/81/14

CONVENTION

ARTICLE 6

International Consultative Committees

- 117 1. Each International Consultative Committee shall work
through the medium of:
- 118 a) the Plenary Assembly, preferably meeting every four
years. When a corresponding world administrative
conference has been convened, the Plenary Assembly
should meet, if possible, at least eight months before
this conference;
- 119 b) study groups, which shall be set up by the Plenary
Assembly to deal with questions to be examined;
- 120 c) a Director, assisted by a specialized secretariat;
- ~~121 d) laboratories or technical installations set up by the
Union.~~
- 122 2. (1) The questions studied by each International
Consultative Committee, on which it shall issue Recommendations,
shall be those referred to it by the Plenipotentiary Conference,
by an administrative conference, by the Administrative Council, by
the other Consultative Committee, or by the International
Frequency Registration Board, in addition to those decided upon by
the Plenary Assembly of the Consultative Committee itself, or, in
the interval between its Plenary Assemblies, when requested or
approved by correspondence by at least twenty Members of the
Union.
- 123 (2) At the request of the Members concerned each
Consultative Committee may also study and offer advice concerning
their national telecommunication problems. The study of such
problems shall be conducted in accordance with No. 122 of this
Convention; where a comparison of technical alternatives is
involved, economic factors may be taken into consideration.

CHAPTER III

General Provisions Regarding International Consultative Committees

ARTICLE 16

Conditions for Participation

- 192 1. The members of the International Consultative
Committees referred to in the relevant provisions of Article 11 of
the Constitution may participate in all the activities of the
Consultative Committee concerned.
- 193 2. (1) Any request from a recognized private operating agency
or scientific or industrial organization to take part in the work
of a Consultative Committee must be approved by the Member
recognizing it. The request should be forwarded by that Member to
the Secretary-General who shall inform all Members and the
Director of that Consultative Committee. The Director of the
Consultative Committee shall advise the recognized private
operating agency or scientific or industrial organization of the
action taken on its request.
- 194 (2) A recognized private operating agency may ~~not~~ act on
behalf of the Member which has recognized it unless provided that
Member informs the Consultative Committee concerned in each
particular case that it is authorized to do so.
- 195 3. (1) International organizations and regional
telecommunication organizations mentioned in Article 28 of the
Constitution which coordinate their work with the International
Telecommunication Union and which have related activities may be
admitted to participate in the work of the Consultative Committees
in an advisory capacity.
- 196 (2) The first request from an international organization or
regional telecommunication organization mentioned in Article 28 of
the Constitution to take part in the work of a Consultative
Committee shall be addressed to the Secretary-General who shall
inform all the Members by the most appropriate means of
telecommunication and invite them to state whether the request
should be granted; the request shall be granted if the majority of
the replies of the Members received within a period of one month
are favourable. The Secretary-General shall inform all the Members
and the members of the Coordination Committee of the result of the
consultation.
- ~~197 4. (1) Scientific or industrial organizations which are
engaged in the study of telecommunication problems or in the
design or manufacture of equipment intended for telecommunication
services, may be admitted to participate in an advisory capacity
in meetings of the study groups of the Consultative Committees,
provided that their participation has received approval of the
administrations of the Members concerned.~~

~~(198) (2) Any request from a scientific or industrial organization for admission to meetings of study groups of a Consultative Committee must be approved by the administration of the Member concerned. The request shall be forwarded by that administration to the Secretary General, who shall inform all the Members and the Director of that Consultative Committee. The Director of the Consultative Committee shall advise the scientific or industrial organization of the action taken on its request.]~~

199 5. Any recognized private operating agency, international organization, regional telecommunication organization or scientific or industrial organization allowed to take part in the work of an International Consultative Committee has the right to denounce such participation by notifying the Secretary-General. Such denunciation shall take effect at the end of one year from the date when notification is received by the Secretary-General.

ARTICLE 17

Duties of the Plenary Assembly

200 The Plenary Assembly shall:

- 201 a) consider the reports of study groups and approve, modify or reject the draft recommendations contained in these reports; and take note of the amended or new Recommendations which have already been approved by procedures that may be agreed to by the Plenary Assembly for the approval of new and revised Recommendations between Plenary Assemblies;
- 202 b) consider existing questions as to whether or not their study should be continued, and prepare a list of the new questions to be studied in conformity with No. 122 of this Convention. In formulating new questions it shall be borne in mind that, in principle, their consideration should be completed in the period which is no longer than twice the interval between two Plenary Assemblies;
- 203 c) approve the programme of work arising from the considerations in No. 202 of this Convention, determine the order of questions to be studied according to their importance, priority and urgency, bearing in mind the need to keep the demands on the resources of the Union to a minimum;
- 204 d) decide, in the light of the approved programme of work derived from No. 203 of this Convention whether or not existing study groups should be maintained or dissolved and whether or not new study groups should be set up;

- 205 e) allocate to study groups the questions to be studied;
- 206 f) consider and approve the report of the Director on the
activities of the Committee since the last meeting of
the Plenary Assembly;
- 207 g) approve, if appropriate, for submission to the
Administrative Council, the estimate of the financial
needs of the Committee up to the next Plenary Assembly,
as submitted by the Director in accordance with
No. 236 of this Convention;
- 208 h) when adopting resolutions and decisions, the Plenary
Assembly should take into account the foreseeable
financial implications and shall try to avoid adopting
resolutions and decisions which might give rise to
expenditure in excess of the upper limits on credits
laid down by the Plenipotentiary Conference;
- 209 i) to consider [the] reports of [the World Plan Committee
and] any other matters deemed necessary under the
provisions of Article 11 of the Constitution and of
this Chapter.

ARTICLE 18

Meetings of the Plenary Assembly

- 210 1. The Plenary Assembly shall normally meet at a date and
place fixed by the preceding Plenary Assembly.
- 211 2. The date and place, or either, of the meeting of the
Plenary Assembly may be changed with the approval of the majority
of the Members of the Union replying to the Secretary-General's
request for their opinion.
- 212 3. At each of these meetings, the Plenary Assembly shall
be presided over by the head of the delegation of the Member in
whose territory the meeting is held or, in the case of a meeting
held at the seat of the Union, by a person elected by the Plenary
Assembly itself. The Chairman shall be assisted by Vice-Chairmen
elected by the Plenary Assembly.
- 213 4. The Secretary-General shall be responsible for making
the necessary administrative and financial arrangements, in
agreement with the Director of the Consultative Committee
concerned, for meetings of the Plenary Assembly and the study
groups.

ARTICLE 20

Study Groups

218 1. The Plenary Assembly shall set up and maintain as necessary study groups to deal with questions to be studied with a view to preparing reports and Recommendations. The administrations, recognized private operating agencies, scientific or industrial organizations international organizations and regional telecommunication organizations admitted in accordance with Nos. 195 and 196 of this Convention which desire to take part in the work of the study groups shall give in their names either at the meeting of the Plenary Assembly or, at a later date, to the Director of the Consultative Committee concerned.

~~219 2. In addition, and subject to the provisions of Nos 197 and 198 of this Convention, experts of scientific or industrial organizations may be admitted to take part in an advisory capacity in any meeting of any study group.~~

220 3. The Plenary Assembly shall normally appoint a Chairman and one Vice-Chairman of each study group. If the workload of any study group requires, the Plenary Assembly shall appoint such additional Vice-Chairmen as it feels necessary for such study group or groups. In appointing Chairmen and Vice-Chairmen, particular consideration shall be given to the requirements of competence, equitable geographical distribution and the need to promote more efficient participation by the developing countries. If, in the interval between two meetings of the Plenary Assembly, a group Chairman is unable to carry out his duties and only one Vice-Chairman has been appointed, then such a Vice-Chairman shall take the Chairman's place. In the case of a study group for which the Plenary Assembly has appointed more than one Vice-Chairman, the study group at its next meeting shall elect a new Chairman from among such Vice-Chairmen and, if necessary, a new Vice-Chairman from among the members of the study group. It shall likewise elect a new Vice-Chairman if one of the Vice-Chairmen is unable to carry out his duties during that period.

ARTICLE 21

Conduct of Business of Study Groups

221 1. Study groups shall conduct their work as far as possible by correspondence.

222 2. (1) However, the Plenary Assembly may give directives concerning the convening of any meetings of the study groups that may appear necessary to deal with large groups of questions.

223 (2) As a general rule, study groups shall hold no more than two meetings between sessions of the Plenary Assembly, including the final meetings held before that Assembly.

224 (3) Moreover, if after a Plenary Assembly a group Chairman considers it necessary for his study group to hold one or more meetings not provided for by the Plenary Assembly to discuss orally questions which could not be solved by correspondence, he may, with the approval of his administration and after consultation with the Director concerned and the members of his study group, suggest a meeting at a convenient place bearing in mind the need to keep expenses to a minimum.

224A Study Groups may initiate action for obtaining final approval from Members for Recommendations completed between Plenary Assemblies. The procedures to be applied for obtaining such approval shall be those approved by the relevant Plenary Assembly. Recommendations so approved shall have the same status as ones approved by the Plenary Assembly.

225 No change.

226 No change.

227 The Director shall send the final reports of the Study Groups including a listing of any Recommendations approved since the previous Plenary Assembly to the participating administrations, to the recognized private operating agencies, and scientific or industrial organizations of the Consultative Committee and, as occasion may demand, to such international organizations and regional telecommunication organizations as have participated. These shall be sent as soon as possible and, in any event, in time for them to be received at least one month before the date of the next meeting of the Plenary Assembly. This provision may be waived only when Study Group meetings are held immediately prior to the meeting of the Plenary Assembly. Questions which have not formed the subject of a report furnished in this way shall not appear on the agenda for the meeting of the Plenary Assembly.

ANNEX

ARTICLE 22

Duties of the Director

Specialized Secretariat

228 No change.

229 No change.

230 No change.

231 (4) The staff of the specialized secretariats, ~~laboratories and technical installations~~, of the Consultative Committees shall be under the administrative control of the Secretary-General in accordance with the provisions of No. 82 [282] of this Convention.

232 No change.

233 No change.

234 No change.

235 No change.

236 No change.

237 No change.

238 No change.

ARTICLE 23

Proposals for Administrative Conferences

239 No change.

240 2. The Plenary Assemblies of the Consultative Committees may also make proposals for modification of the Administrative Regulations.

A conference preparatory meeting may also make in its report proposals to an administrative conference when invited by a Plenipotentiary Conference, the Administrative Council or a preceding administrative conference.

241 No change.

ARTICLE 24

Relations of Consultative Committees Between Themselves
and with Other International Organizations

242 No change.

243 No change.

244 No change.

245 3. The Secretary-General, the Deputy Secretary-General, the [Chairman]*/[Director]⁵³ of the International Frequency [Registration]*/[and Orbital Space Regulatory]⁵⁴ Board, and the Director of the other Consultative Committee, or their representatives, may attend meetings of a Consultative Committee in an advisory capacity. If necessary, a Consultative Committee may invite to attend its meetings, in an advisory capacity, representatives of any permanent organs of the Union which has not considered it necessary to be represented.

* Existing text

⁵³ ETH/68/33

⁵⁴ ETH/68/33

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 349(Rev.1)-E

29 June 1989

Original: English

PLENARY MEETING

Note by the Secretary-General

I hereby submit for the consideration by the Plenary Meeting a revised text for Article 47 elaborated by the Legal Adviser.

R.E. BUTLER
Secretary-General

Annex: 1

A N N E X

Draft

ARTICLE 47

ADD

ADD

**Special provisions for the Plenipotentiary Conference
following the Plenipotentiary Conference (Nice, 1989)**

ADD

204

1. The Plenipotentiary Conference following the Plenipotentiary Conference (Nice, 1989) shall consider the results of the review of the structure and functioning of the Union contained in the final report of the high-level Committee established by the Administrative Council. Such consideration shall be based on the proposals submitted to that Conference by the Members of the Union in respect of that report.

ADD

205

2. As a result of such consideration, it may adopt such amendments to relevant Articles of this Constitution and the Convention as it deems necessary or appropriate and may take consequential measures resulting from such amendments.

ADD

206

3. It shall elect the Director of the BDT and may hold such other elections becoming necessary as a result of its action taken under paragraph 2 above.

ADD

207

4. If the Plenipotentiary Conference referred to in paragraph 1 above takes place prior to the one normally convened in accordance with No. 34 of this Constitution, its agenda shall - by virtue of an exceptional derogation of Nos 36 to 47 in Article 6 of this Constitution and for that sole occasion - be limited to the matters listed in paragraphs 1 to 3 above.

ADD

208

5. Any amendment which may be made in accordance with paragraph 2 above shall be adopted in conformity with the rules of procedure of conferences and meetings as contained in Article 25 of the Convention and not in application of the relevant provisions of Articles 43 of this Constitution (No. 189) and 35 of the Convention (No. 423), the other provisions of those Articles remaining applicable. The foregoing provision shall equally apply to any such amendment which may be adopted only by the Plenipotentiary Conference normally convened in accordance with No. 34 of this Constitution.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 349-E

19 June 1989

Original: English

COMMITTEE 7

Note by the Secretary-General

In the light of the discussion which took place in Committee 7 during the latter's twentieth meeting on Monday, 19 June 1989, under agenda item 3 b) and as requested during that meeting, I submit hereby, in the Annex to the present Document, the first preliminary draft for an additional Article 47 drawn up by the Legal Adviser at my request.

The extracts of the summary records concerning the item referred to above will be distributed as soon as available and translated.

R.E. BUTLER
Secretary-General

Annex: 1

A N N E X

First preliminary draft*)

ADD

Article 47

ADD Transitional provisions concerning the next Plenipotentiary Conference

ADD and provisional application

ADD "204 1. The next Plenipotentiary Conference following directly the Plenipotentiary Conference, Nice, 1989, shall - by virtue of an exceptional derogation, for that sole occasion, of the relevant provisions of the articles of this Constitution and the Convention, in particular of those in Articles 6 and 43 of this Constitution and in Article 35 of the Convention - on the basis of:

i) the results of the study of the structure and the working methods of the Union commissioned by the Plenipotentiary Conference, Nice, 1989, to
., whose report shall be transmitted to the Members of the Union .. months prior to opening date of that Conference and submitted to that Conference by the Secretary-General, and

ii) the proposals submitted to that Conference by the Members of the Union in respect of that report,

consider and adopt, as it deems necessary or appropriate:

a) any amendment to Articles ... (to be enumerated) ... of this Constitution and related complementary Articles of the Convention;

b) any consequential measures resulting from its decisions related to a) above;

and c) elect the Director of the [TDB] [TDO] and hold such other elections becoming necessary as a result of its decisions related to a) and b) above;

- d))
) [for inclusion of other points the Conference
e)) would like to specify]
)

ADD 205 2. Articles 43 of this Constitution and 35 of the Convention shall not apply at, and with regard to any amendment adopted by, that Conference, in conformity with the provisions in paragraph 1 of the present Article. All decisions shall be made at that Conference in conformity with the rules of procedure of conferences and meetings as contained in Article 25 of the Convention.

ADD 206 3. The provisions of this Constitution and the Convention shall, from the date of their entry into force in conformity with No. 198 of this Constitution, provisionally apply to those Members of the Union, whose instrument of ratification, acceptance, or approval or accession has not been deposited yet by that date.

ADD 207 4. This Constitution and the Convention as amended by the Plenipotentiary Conference referred to in paragraph 1 above shall enter into force between Parties thereto on the 30th day after deposit of:

[the 25th instrument of ratification, acceptance, approval or accession by a Member of the Union.]

[the [41st] [55th] instrument of ratification, acceptance, approval or accession by a Member of the Union.]

[instruments of ratification, acceptance, approval or accession by more than a [quarter] [third] of the Members of the Union.]

1)

ADD 208 5. Nos 199, 201, 202 and 203 of this Constitution shall equally apply to this Constitution and the Convention as amended by the Plenipotentiary Conference referred to in paragraph 1 above.

Note: The above, first preliminary draft should, at any rate, first be studied and considered by Committee 9, which still has to deal with Articles 43 and 46 of the draft Constitution (Document A) and the matters of abolition of the Additional Protocols suggested and of the provisional applicability raised by the Group of Experts on the Basic Instrument.

1) Text taken from Article 46 in Document A (draft Constitution).

PLENIPOTENTIARY CONFERENCE

Document 350-E

23 June 1989

NICE, 1989

LIST OF DOCUMENTS (Documents 301 to 350)

N°	Origin	Title	Destination
301	SG	Contributions of Members of the Union - Republic of Liberia	C.4
302	C.10	B.5	C.10
303	C.5	Summary Record of the eighth meeting of Committee 5 (not yet published)	C.5
304	C.4	Fourth Report of the Finance Committee to the Plenary Meeting - ITU Publication Policy - IFRB Weekly Circulars	PL
305	C.5	Second series of texts from Committee 5 to the Editorial Committee	C.10
306	PL	Minutes of the fourteenth Plenary Meeting (not yet published)	PL
307	C.7	Summary Record of the sixteenth meeting of Committee 7	C.5
308	C.7	Summary Record of the seventeenth meeting of Committee 7	C.7
309	C.8	Summary Record of the twelfth meeting of Committee 8	C.8
310	C.7	Note by the Chairman of Committee 7 to the Chairmen of Committees 4, 6 and 9	C.4,6,9
311 (Rev.1)	*)	Proposal for the work of the Conference - Draft Constitution	C.7
312 (Rev.3)	**)	Draft Resolution relating to Condemnation of the practices of Israel in the Occupied Arab Territories	PL

*) ARG, AGL, BEN, BFA, CME, CPV, CAF, COG, EGY, ETH, GMB, IRN, KEN, LSO, LBY, MDG, MWI, MLI, MRC, NIG, RRW, SEN, SYR, SDN, TZA, TUN, ZMB, ZWE

***) ALG, ARS, BHR, BGD, BFA, COG, DJI, EGY, UAE, IRN, IRQ, JOR, KWT, LBN, LBY, MLD, MLI, MRC, OMA, PAK, QAT, SYR, SEN, SOM, SDN, TUN, YEM, YMS, ZWE

No.	Origin	Title	Destination
313	C.3	Summary Record of the second meeting of Committee 3	C.3
314	C.6	Note by the Chairman of Committee 6 to the Chairman of the Conference	PL
315	C.10	B.6	PL
316	C.9	Summary Record of the eighth meeting of Committee 9	C.9
317	WG 2A	Third Report by Working Group 2A to Committee 2	C.2
318	C.7	Summary Record of the eighteenth meeting of Committee 7	C.7
319	C.8	Summary Record of the thirteenth meeting of Committee 8 (not yet published)	C.8
320	C.9	Summary Record of the ninth meeting of Committee 9	C.9
321	PL	Minutes of the fifteenth Plenary Meeting	PL
322	C.8	Summary Record of the fourteenth meeting of Committee 8 (not yet published)	C.8
323	C.7	Note by the Chairman of Committee 7 (Structures)	C.7
324	C.6	First Series of texts from Committee 6 to the Editorial Committee	C.10
325	C.6	Summary Record of the eighth meeting of Committee 6	C.6
326	C.6	Summary Record of the ninth meeting of Committee 6 (not yet published)	C.6
327	C.8	Summary Record of the fifteenth meeting of Committee 8 (not yet published)	C.8
328	C.9	Summary Record of the tenth meeting of Committee 9	C.9

No.	Origin	Title	Destination
329	C.7	Summary Record of the nineteenth meeting of Committee 7 (not yet published)	C.7
330	7 Ad Hoc 1	Report of the Chairman of Draft Working Group 7 Ad Hoc 1 to Committee 7	C.7
331	C.8	First Series of texts from Committee 8 to the Editorial Committee	C.10
332	WG 8A	Report by the Chairman of Working Group 8A to Committee 8	C.8
333	C.9	4th Series of texts from Committee 9 to the Editorial Committee	C.10
334	C.10	B.7	PL
335	USA	Declaration relevant to the speech of the representative of Cuba at the ninth Plenary Meeting	-
336	WG PL-B	First Report by the Chairman of Working Group PL-B to the Editorial Committee	C.10
337	C.9	Summary Record of the eleventh meeting of Committee 9	C.9
338	C.8	Summary Record of the sixteenth meeting of Committee 8 (not yet published)	C.8
339	C.8	Summary Record of the seventeenth meeting of Committee 8 (not yet published)	C.8
340 (Rev. 1)	ALG, GRC, IND, IND, MLI, TZA, ZWE	Proposal for the work of the Conference - Constitution	C.7
341	C.7	Summary Record of the twentieth meeting of Committee 7 (not yet published)	C.7
342	C.9	5th Series of texts from Committee 9 to the Editorial Committee	C.10
343	WG PL-A	Note by the Chairman of Working Group PL-A	-
344	C.8	2nd Series of texts from Committee 8 to the Editorial Committee	C.10

No.	Origin	Title	Destination
345 +Corr.1	C.5	Report of the Chairman of Committee 5 (Staff Matters) to the Plenary Meeting	PL
346	C.5	3rd Series of texts from Committee 5 to the Editorial Committee	C.10
347	C.5	Note by the Chairman of Committee 5 to the Plenary Meeting - Draft Resolution on Human Resources Development	C.10
348 +Corr.1	7 AdHoc 1	Final Report of the Chairman of Drafting Group 7 Ad Hoc 1 to Committee 7	C.7
349	SG	First Preliminary Draft for and additional Article 47 - Transitional provisions concerning the next Plenipotentiary Conference	C.7
350	SG	List of documents (301 to 350)	-

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 351-E

27 June 1989

Original: English

COMMITTEE 7

SUMMARY RECORD

OF THE

TWENTY-FIRST MEETING OF COMMITTEE 7

(STRUCTURE OF THE UNION)

Tuesday, 20 June 1989, at 2015 hrs

Chairman: Mr. A. VARGAS ARAYA (Costa Rica)

Subjects discussed:

Documents

- | | | |
|-----|---|----------------------------|
| 1. | Approval of summary records | - |
| 2. | Structural evolution actions - Consideration of necessary transitional provisions relating to a Plenipotentiary Conference to consider the review | 340, 349, 362 |
| 3. | Establishment of Drafting Group 7 ad hoc 4 | DL/34, 66, 311(Rev.1), 364 |
| 4. | International Frequency Registration Board | |
| 4.1 | Referral of documents to Committee 9 | DT/54 |
| 4.2 | Limit on re-election eligibility of IFRB members | DL/22 |
| 4.3 | Proposals relating to IFRB structural issues | DT/55 |
| 4.4 | Proposed transfer of certain provisions from the Radio Regulations to the Convention | 72 |

1. Approval of summary records

1.1 The Chairman said that he had been informed by the Secretariat that the summary records of the Committee, which had been held up for a number of reasons, were being reproduced as quickly as possible. About 12 of them would be available the following day in addition to those of the first, second, third and sixth already printed. He therefore suggested that to save time, delegations should submit their amendments to the summary records in writing to the Secretariat of the Committee, and that the summary records be approved by the Committee once those amendments had been incorporated.

It was so agreed.

2. Structural evolution actions - Consideration of necessary transitional provisions relating to a Plenipotentiary Conference to consider the review
(Documents 340, 349, 362)

2.1 The delegate of the Netherlands, supported by the delegates of the United States, Greece and Japan, said that since Document 340 dealt with a very important matter it would be more appropriate to examine it once the Committee had discussed other pending related matters. She therefore suggested that those proposing Document 340 should merely introduce it and that the discussion be deferred to a later stage.

2.2 The delegate of the Federal Republic of Germany wondered whether it was appropriate for the Committee to discuss Document 340 at all, since it seemed to be a matter for Committee 9.

2.3 The Chairman explained that the view of the Chairman of Committee 9 was that Committee 7 should take a decision on the substance of the document for transmission to Committee 9 which would be responsible for the legal drafting.

2.4 The delegate of Greece, introducing Document 340, sponsored by the delegations of Algeria, Greece, India, Indonesia, Mali and Tanzania, said that the proposal was to introduce into the Constitution an Article on transitional provisions entitled: "Plenipotentiary Conference - Structural Evolution", designed to enable a Plenipotentiary Conference to be convened in 1991-1992 to examine proposals of Members arising from the Review of the Structure and Functioning of the ITU, to adopt the necessary amendment to the Constitution on the basis of simple majority voting based on the Nairobi Convention and, if necessary, to elect Directors of the permanent organs and members of the IFRB. The date of the proposed Plenipotentiary Conference, 1991-1992, was indicative and could be changed if the global solution under discussion was adopted.

2.5 The delegate of Colombia supported the proposal.

2.6 The delegate of Indonesia stressed the importance of an early Plenipotentiary Conference, although the proposers of Document 340 had introduced an element of flexibility in the date.

2.7 The delegate of Saudi Arabia also supported the proposal. His Delegation was looking forward to the reconstruction of the Union and the interest of all Members and regretted the reluctance of the Conference to take a decision on the matter.

2.8 The delegate of Portugal agreed that there was a need for a Plenipotentiary Conference to be held in 1991 or 1992. His Delegation would prefer 1991. That Conference would make it possible to rethink the overall structure of the ITU. He therefore supported the proposal.

2.9 The delegate of France observed that Document 340 dealt with two different issues: the need for an interim Plenipotentiary Conference in 1991-1992, and how to integrate its decisions into the Nice Constitution. Placing the two matters in a single document created problems. His Delegation was not convinced that a thorough study of the very complex issues facing the Union could be carried out in a short time nor that the dates indicated were appropriate. It would prefer the issues to be separated and would also have difficulty in discussing the text if the wording were not in the conditional tense, on the following lines: "If a Plenipotentiary Conference were convened before the regular Conference of 1994, transitional measures would have to be adopted ...". The question of incorporating transitional provisions into the text was complicated and any recommendations to Committee 9 should be as little binding as possible.

2.10 The delegate of the USSR proposed that the Committee merely take note of the documents before it, since the Conference had not yet decided that a Plenipotentiary Conference should be held in 1991-1992 nor that a review should be carried out. No draft Resolution had as yet been tabled on those matters. Besides, the note on page 2 of Document 349 made it clear that the draft Article should first be considered by Committee 9.

2.11 The delegate of Mali said that the proposal in Document 340 was a practical step taken in accordance with the Legal Adviser's recommendation at the Committee's previous meeting. The discussion had shown the need for agreement on the advisability of holding an interim Plenipotentiary Conference once the necessary study had been concluded, and he believed that that study would bear out the need for a Plenipotentiary Conference to be convened urgently, although the sponsors of the proposals were flexible about the date.

2.12 The Chairman recalled that the date of the 1991-1992 Plenipotentiary Conference had been placed in square brackets in the mandate adopted for Drafting Group 7 ad hoc 2. Having recalled the progress of the discussion in the Committee, he noted that 26 delegations wished to speak. He suggested that the Committee should indicate its views without re-opening the debate.

2.13 The delegate of Mexico said he would have welcomed reaching a mid-point after having listened to all the speakers, but felt that there was not enough time left to do so. However, he expressed some concern about sounding out the feeling of the meeting either for or against a specific date and pointed out that there were two aspects contained in Document 340: one was the date and the other was the need to conduct a careful study. A Group of Experts, with or without outside consultants, would not be able to be set up before the end of 1989 or the beginning of 1990. If there was to be a Plenipotentiary Conference in 1991/1992 then it would have to be borne in mind that the relevant documents had to be in the hands of administrations at least six months prior to convening the Conference. He would prefer documentation to be sent even 12 months before the Conference to guarantee it arriving on time.

2.14 The Chairman invited delegates to express their views on Document 340 in relation to the possible date of the next Plenipotentiary Conference and the suggestion that the Conference should have a limited agenda to consider proposals for the overall review of the structure.

2.15 The delegate of the Islamic Republic of Iran, on a point of order, said he appreciated the concerns of the delegate of Mexico that there were areas lying between the pros and cons, and in the interest of moving forward more rapidly proposed sounding out the feeling of the meeting by a show of cards on the substance of Document 340 but with the date "1991-1992" in square brackets.

2.16 The delegate of the United Kingdom was not in favour of taking a decision at that time on the date before the results of Drafting Group 7 ad hoc 2 which had opted to leave the date in square brackets, were before the Committee. If he had understood the previous speaker's proposal correctly, the text in Document 340 was to be taken with the date in square brackets, the views of Committee 7 were then to be elicited on the question raised by the delegate of France as to whether the methods to be adopted for the consideration of the Constitution and the Convention following the review should be as proposed by the delegate of Greece, i.e. on the basis of a simple majority, or as a two-thirds majority as recommended by the Group of Experts on the Constitution. Consequently, he could support the proposal by the delegate of the Islamic Republic of Iran if it meant leaving the date in square brackets, but sounding the opinions of the Committee on majority voting for the decision-making process after the review.

2.17 The delegate of Greece supported the proposal by the delegate of the Islamic Republic of Iran as it reflected the original idea for making it possible to choose the most appropriate date. The present Plenipotentiary Conference had chosen three ways to proceed, viz. study, decisions based on study and implementation of those decisions. Since there was not enough time in Nice to proceed with the amendments necessary for the final version of the Constitution it was necessary to take a decision on holding an "intermediate" Plenipotentiary Conference which could adopt amendments by simple majority, as that was the way the new Constitution was going to be decided in Nice.

2.18 The delegate of Mexico supported the proposal by the delegate of the Islamic Republic of Iran but said he had difficulty with the phrase "simple majority voting" as such a matter could only be decided in Committee 9. Committee 7 could place the phrase in square brackets and indicate in a note to Committee 9 that it considered "simple majority voting" to be appropriate.

2.19 The delegate of Paraguay, although he had no difficulty with the purpose of the discussions, expressed his concern at the way they were progressing.

2.20 The delegate of the Philippines, on a point of order, said that it was not appropriate to vote on the text since it concerned not just the date but matters of substance. The Plenipotentiary Conference had to take decisions on, and not just examine, proposals arising from the review. Secondly, amendments arising from decisions would be on the basis of a simple majority, but if there were no amendments time would be wasted. Thirdly, elections mentioned in the document were only for the office of Directors of the permanent organs and members of the IFRB, whereas the study was to cover the overall structure of the Union. It was important not to preempt the decisions of the Group nor to waste time with an early Plenipotentiary Conference which could prove costly.

2.21 The Chairman said that a number of consultations had been held during the coffee break and that since the document containing the records of the exchanges between the Secretary-General and the Legal Adviser and delegates had not yet been published, the item under discussion should be left pending until that document was available.

It was so agreed.

3. Establishment of Drafting Group 7 ad hoc 4 (Document DL/34)

3.1 The Chairman, recalling that Committee 7 had adopted the principle of establishing a permanent organ for development on the same level and with the same status as the other permanent organs, said that several groups of delegations had been working on drafts for an appropriate text. He mentioned the contribution of the African Delegations in Document 311(Rev.), as well as a working paper prepared by a number of delegations of CITEU. The United States had also prepared a contribution which was contained in Document 364.

He proposed that a small Drafting Group be set up with representatives from all the regions. The Delegation of Colombia was invited to coordinate the work of the Group and the Delegations of Mali, the United States, Ethiopia, USSR, Saudi Arabia, Jamaica, Italy and India were invited to participate.

3.2 In response to the Chairman's request that the Group be kept relatively small and his comment that CITELE was represented by the presence of the delegates of Jamaica, Colombia and the United States, the delegate of Chile maintained his request to be allowed to participate in the group as a member of CITELE from the Latin American region.

3.3 The delegate of Ethiopia requested that Documents 66 and 67 also be considered by the Group as they contained elements that were not in other documents.

3.4 Following an intervention by the delegate of Spain that the Group should be a "Working Group" rather than a "Drafting Group" so that it would be able to go beyond the texts mentioned in Document DL/34, the Chairman suggested amending Document DL/34 to reflect that point.

3.5 The delegate of Paraguay queried the need for a list of members since a Working Group was open to all who wished to attend.

3.6 The Chairman suggested that paragraph 1 of Document DL/34 be amended to indicate that the text was for adoption by Committee 7 and would contain a reference to Articles 5, 11, 12, etc. Paragraph 2 was to mention that the contribution by the United States in Document 364 was also to be considered, and paragraph 3 was to indicate that the Working Group should complete its work as soon as possible.

It was so agreed.

4. International Frequency Registration Board

4.1 Referral of documents to Committee 9 (Document DT/54)

4.1.1 The Chairman said that several delegations had requested the inclusion of their proposals on the IFRB, apart from those concerning elections and structure, in the note by the Chairman of Committee 7 referring documents to Committee 9.

4.1.2 The delegates of the United Kingdom, the United States and Algeria requested the inclusion of proposals G/82/2, USA/96/5-7 and ALG/57/3, respectively.

Document DT/54 was approved as amended.

4.2 Limit on re-election eligibility of IFRB members (Document DL/22)

4.2.1 The Chairman drew attention to those proposals listed in the consolidated text contained in Document DL/22 which related to re-election eligibility of IFRB members. He invited the delegations having proposals on that specific topic to submit a consolidated text for the Committee's attention as had been done in the case of proposals relating to the CCIs. It was noted, in that regard, that the Administration of Burkina Faso had submitted a proposal, BFA/194/4.

It was so agreed.

4.3 Proposals relating to IFRB structural issues (Document DT/55)

The Committee agreed to accept the text of Document DT/55, to the effect that structural issues relating to the IFRB would be referred to the review of the structure and functioning of the ITU and to the next Plenipotentiary Conference, and to accept as relevant the proposals listed in Document DT/55.

4.4 Proposed transfer of certain provisions from the Radio Regulations to the Convention (Document 72)

4.4.1 The delegate of Canada said that proposals CAN/72/8-27 were aimed at consolidating the role and responsibility of the members of the IFRB, whose duties were set forth partly in Articles 10 and 57 of the Convention, and partly in Article 10 of the Radio Regulations. Now that those members were to be elected by Plenipotentiary Conference their duties and responsibilities should be by and large set out in the Convention, as were those of other elected officials of the Union. For the purpose of the transfer of provisions to the Convention, a Resolution would be required, addressed to an appropriate radio conference, to delete from the Radio Regulations the provisions so transferred. His Delegation's proposals preserved largely intact the current relevant texts of the Radio Regulations, and showed the corresponding Radio Regulation numbers for cross-reference purposes. Only one deletion had been proposed, reflecting a recommendation by the Panel of Experts on the long-term future of the IFRB and relating to long-term studies on the use of the radio spectrum.

4.4.2 The delegate of India remarked that, at the Nairobi Plenipotentiary Conference in 1982, his Delegation had made proposals identical to those now submitted by the Canadian Delegation - which had opposed the Indian proposals. The Indian Delegation had at that time accepted the argument that, in order to preserve the flexibility of duty assignments possible through a mandate from administrative radio conferences, it was better to leave the relevant provisions in the Radio Regulations rather than transfer them to the Convention. For that reason the Indian Delegation opposed the proposals now put forward by the Canadian Administration at the current Conference.

4.4.3 The delegate of Uruguay supported the Canadian proposals. The delegate of Saudi Arabia opposed them.

4.4.4 The delegate of Canada said that the change in his Administration's stance since the Nairobi Plenipotentiary Conference stemmed from the review conducted since that event, including a detailed examination of the provisions in the Convention and the Radio Regulations, which had led to the view that those provisions could perhaps be consolidated into one text.

It was agreed to postpone consideration of the matter until Committee 7's next meeting.

The meeting rose at 2300 hours.

The Secretary:

A.M. RUTKOWSKI

The Chairman:

A. VARGAS ARAYA

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 352-E

20 June 1989

Original : English

COMMITTEE 4

Antigua and Barbuda, Bahamas, Barbados, Belize
Grenada, Guyana, Jamaica, St. Vincent and
the Grenadines, Trinidad and Tobago

NOTE TO THE CHAIRMAN OF COMMITTEE 4

Document 91 on the financing of the Union Budget, submitted as a proposal by nine (9) Caribbean countries addresses two basic principles, as they relate to Members and non-Members of the Union, viz :

1. The provision of a 1/16 Unit Class of contribution for least developed countries;
2. The availability of this 1/16 Unit Class for very small countries that are not yet Members of the ITU.

In rationalizing these two principles, the document sought to encourage those very small states that are not Members, but are users of telecommunications technology and would therefore benefit by being brought into the mainstream of telecommunication activities, to become Members of the ITU. However, this objective was not made absolutely clear, neither in the Committee nor in the oral report by the Chairman to the Plenary.

Document 91 states that this 1/16 Unit Class should be reserved for the least developed countries and other Members determined by the Administrative Council. As already stated, the idea was to extend this facility to non-Member micro states in order to encourage them to join the ITU family, thereby extending the principle of universality, but without having these States bear too great a financial burden. Some of these countries may be identified at this Plenipotentiary Conference, or suitable guidance should be given to the Administrative Council.

It would seem, in the light of the foregoing, that the most appropriate mechanism for addressing this matter is by the revision of Resolution 49 of the Nairobi Plenipotentiary Conference. The nine countries that sponsored Document 91 are therefore hoping that this Plenipotentiary Conference will accede to this request.

Annex : 1

ANNEX

Draft Resolution COM4/6

Contributory Shares in Union Expenditure

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

considering

a) that No. 111 of the Convention allows the least developed countries as listed by the United Nations to contribute to Union expenditure in the 1/16 unit class;

b) that this provision provides that the 1/16 unit class may also be chosen by other countries determined by the Administrative Council;

c) that some countries with a small population and a low per capita gross national product* may encounter financial difficulties in contributing to Union expenditure in the 1/8 unit class;

d) that it is in the interest of the Union that participation should be universal;

e) that the small countries should be encouraged to become Members of the Union;

notes

the references which were made during the debates regarding the membership of small sovereign countries;

instructs the Administrative Council

at each session to review, on their request, the situation of small countries not included in the United Nations list of the least developed countries which may encounter financial difficulties in contributing in the 1/8 unit class in order to decide which of them may be considered as being entitled to contribute to Union expenditure in the 1/16 unit class.

*) For example, the following countries : St. Lucia, Seychelles, Tuvalu, Saint Kitts and Nevis.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 353-E

20 June 1989

Original: English

COMMITTEE 7

Algeria, Brazil, Canada, Nigeria

ELECTION AND RE-ELECTION OF DIRECTOR OF CCIs

REQUEST FROM THE CHAIR FOR A COMMON TEXT

Proposed common text

ALG/B/CAN/
NIG/353/1

MOD 93 c) a Director, elected by the Plenipotentiary Conference
for the interval between two Plenipotentiary
Conferences. He shall be eligible for re-election once
only.

ALG/B/CAN/
NIG/353/2

MOD 94 4. ~~The Director shall be elected by the Plenipotentiary
Conference for the interval between two Plenipotentiary
Conferences.~~ If the position becomes unexpectedly vacant, the
Administrative Council shall appoint a new Director at its next
annual session in accordance with the relevant provisions of
Article 3 of the Convention.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 354-E

20 June 1989

Original: English/
French:

COMMITTEE 10

COMMITTEE 8 (for
information).

SIXTH SERIES OF TEXTS FROM COMMITTEE 9 TO THE EDITORIAL COMMITTEE

On behalf of Committee 9, I take pleasure in transmitting to the Editorial Committee this sixth series of texts unanimously adopted by Committee 9, i.e.:

- Article 6 (No. 45)
- Article 10 (No. 75)
- Article 11 (No. 94)
- Article 29 (No. 153)*), and
- Article 34*)

of the draft Constitution for consideration by Committee 10 and forwarding them to the Plenary Meeting. These texts are contained in the Annex to the present document.

H.H. SIBLESZ
Chairman of Committee 9

Annex: 1

*) Note: Transmitted to Committee 8 for information in response to Documents 262 and 266.

A N N E X

ARTICLE 6

.

MOD 45 j) consider and adopt, if appropriate, proposals for amendments to this Constitution and the Convention in accordance with the provisions of Article 43 of this Constitution and Article 35 of the Convention respectively.

ARTICLE 10

.

75 The transfer of No. 315 of the Nairobi Convention into the Constitution was approved by Committee 9 without any modification.

ARTICLE 11

.

94 The transfer of No. 323 of the Nairobi Convention into the Constitution was approved by Committee 9 without any modification.

ARTICLE 29

.

MOD 153*) 2. In using frequency bands for radio services, Members shall bear in mind that radio frequencies and the geostationary satellite orbit are limited natural resources and that they must be used rationally, efficiently and economically, in conformity with the provisions of the Radio Regulations, so that countries or groups of countries may have equitable access to both, taking into account the special needs of the developing countries and the geographical situation of particular countries.

ARTICLE 34

Relations With the United Nations

NOC 162 The relationship between the United Nations and the International Telecommunication Union is defined in the Agreement concluded between these two organizations.

SUP 163

*) Note: Committee 9 decided to retain terminology used in Document A.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 355-E

21 June 1989

Original: English

COMMITTEE 10

THIRD SERIES OF TEXTS FROM COMMITTEE 8 TO THE EDITORIAL COMMITTEE

Committee 8 has adopted the attached texts, which it submits to the Editorial Committee for consideration and for transmission in due course to the Plenary Meeting.

M.F. DANDATO
Chairman of Committee 8

Annexes: A and B

ANNEX A

Texts for the Constitution

SUP*

ANNEX 1

List of the Members of the
International Telecommunication Union
as of .. June 1989*)

(MOD)

ANNEX [2]

NOC

Definition of Certain Terms Used in this Constitution,
the Convention and the Administrative Regulations
of the International Telecommunication Union

NOC [2001]

For the purpose of the above instruments of the Union,
the following terms shall have the meanings defined below:

NOC [2002]

Administration: Any governmental department or service
responsible for discharging the obligations undertaken in the
Constitution of the International Telecommunication Union, in the
Convention of the International Telecommunication Union and in the
Administrative Regulations.

NOC [2003]

Harmful Interference: Interference which endangers the
functioning of a radionavigation service or of other safety
services or seriously degrades, obstructs or repeatedly interrupts
a radiocommunication service operating in accordance with the
Radio Regulations.

NOC [2004]

Public Correspondence: Any telecommunication which the
offices and stations must, by reason of their being at the
disposal of the public, accept for transmission.

NOC [2005]

Delegation: The totality of the delegates and, should the
case arise, any representatives, advisers, attachés, or
interpreters sent by the same Member.

Each Member shall be free to make up its delegation as it
wishes. In particular, it may include in its delegation in the
capacity of delegates, advisers or attachés, persons belonging to
private operating agencies which it recognizes or persons
belonging to other private enterprises interested in
telecommunications.

* Decision of Committee 9

- NOC [2006] **Delegate:** A person sent by the government of a Member of the Union to a Plenipotentiary Conference, or a person representing a government or an administration of a Member of the Union at an administrative conference, or at a meeting of an International Consultative Committee.
- NOC [2008] **Private Operating Agency:** Any individual or company or corporation, other than a governmental establishment or agency, which operates a telecommunication installation intended for an international telecommunication service or capable of causing harmful interference with such a service.
- NOC [2009] **Recognized Private Operating Agency:** Any private operating agency, as defined above, which operates a public correspondence or broadcasting service and upon which the obligations provided for in Article 41 [44] of this Constitution are imposed by the Member in whose territory the head office of the agency is situated, or by the Member which has authorized this operating agency to establish and operate a telecommunication service on its territory.
- NOC [2011] **Radiocommunication:** Telecommunication by means of radio waves.
- Note 1: Radio waves are electromagnetic waves of frequencies arbitrarily lower than 3 000 GHz, propagated in space without artificial guide.
- Note 2: For the requirements of No. 84 [83] of this Constitution, the term "radiocommunication" also includes telecommunications using electromagnetic waves of frequencies above 3 000 GHz, propagated in space without artificial guide.
- NOC [2012] **Broadcasting Service:** A radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmission.

- MOD [2013] **International Telecommunication Service:** The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries.
- NOC [2015] **Telecommunication:** Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.
- NOC [2016] **Telegram:** Written matter intended to be transmitted by telegraphy for delivery to the addressee. This term also includes radiotelegrams unless otherwise specified.
- MOD [2018] **Government Telecommunications:** Telecommunications originating with any:
- Head of State;
 - Head of government or members of a government;
 - Commanders-in-Chief of military forces, land, sea or air;
 - diplomatic or consular agents;
 - the Secretary-General of the United Nations; Heads of the principal organs of the United Nations;
 - the International Court of Justice,
- or replies to government telecommunications mentioned before.
- NOC [2019] **Private Telegrams:** Telegrams other than government or service telegrams.
- NOC [2020] **Telegraphy:** A form of telecommunication in which the transmitted information is intended to be recorded on arrival as a graphic document; the transmitted information may sometimes be presented in an alternative form or may be stored for subsequent use.
- Note: A graphic document records information in a permanent form and is capable of being filed and consulted; it may take the form of written or printed matter or of a fixed image.

- NOC [2021] **Telephony***: A form of telecommunication primarily intended for the exchange of information in the form of speech.
- ADD [2022] **Scientific or Industrial Organization**: Any organization, other than a governmental establishment or agency, which is engaged in the study of telecommunication problems or in the design or manufacture of equipment intended for telecommunication services.

* Having realized that the term "Telephony" as such is not mentioned in either of the two instruments, but that the term "telephone calls" is used in Article 26 of the Constitution, the Group of Experts retained that definition in the present Annex. However, it draws the attention of the Plenipotentiary Conference to Nairobi Resolution No. 11.

Note by COM.8: In view of modification of Article 26, Committee 9 may wish to consider the further need of the footnote related to [2021].

ANNEX B

Texts for the Convention

ARTICLE 11 [63]

NOC **Procedure for Convening Regional Administrative
Conferences at the Request of Members of the Union
or on a Proposal of the Administrative Council**

NOC [371] 167 In the case of a regional administrative conference,
the procedure described in Article 10 [62] of this Convention
shall be applicable only to the Members of the region concerned.
If the conference is to be convened on the initiative of the
Members of the region, it will suffice for the Secretary-General
to receive concordant requests from a quarter of the total number
of Members in that region.

ARTICLE 12 [64]

NOC **Provisions for Conferences Meeting When
There Is no Inviting Government**

NOC [372] 168 When a conference is to be held without an inviting
government, the provisions of Articles 8 [60] and 9 [61] of this
Convention apply. The Secretary-General shall take the necessary
steps to convene and organize it at the seat of the Union, after
agreement with the Government of the Swiss Confederation.

ARTICLE 13 [65]

NOC **Provisions Common to all Conferences**

NOC **Change in the Date or Place of a Conference**

NOC [373] 169 1. The provisions of Articles 10 [62] and 11 [63] of this
Convention shall apply, by analogy, when a change in the date or
place of a conference is requested by Members of the Union or is
proposed by the Administrative Council. However, such changes
shall only be made if a majority of the Members concerned,
determined in accordance with No. 29 [229] of this Convention,
have pronounced in favour.

- NOC [374] 170 2. It shall be the responsibility of any Member proposing a change in the date or place of a conference to obtain for its proposal the support of the requisite number of other Members.
- NOC [375] 171 3. Where the issue arises, the Secretary-General shall indicate, in the communication referred to in No. 158 [362] of this Convention, the probable financial consequences of a change in the date or place, as, for example, when there has been an outlay of expenditure in preparing for the conference at the place initially chosen.

ARTICLE 14 [66]

NOC Time-Limits and Conditions for Submission of Proposals and Reports to Conferences

- NOC [376] 172 1. Immediately after the invitations have been despatched, the Secretary-General shall ask Members to send him, within four months, their proposals for the work of the conference.
- NOC [377] 173 2. All proposals the adoption of which will involve amendment of the text of the Constitution or this Convention or revision of the Administrative Regulations must carry references identifying by their marginal numbers those parts of the text which will require such amendment or revision. The reasons for the proposal must be given, as briefly as possible, in each case.
- ADD 173A Each proposal received from a [Member]¹ shall be annotated by the Secretary-General to indicate its origin by means of the ITU established country symbol. Where a proposal is made jointly by more than one [Member]¹ the proposal shall, to the extent practicable, be annotated with the symbol of each [Member]¹.

¹ Subject to the outcome of Committee 9.

- NOC [378] 174 3. The Secretary-General shall communicate the proposals to all Members as they are received.
- MOD [379] 175 4. The Secretary-General shall assemble and coordinate the proposals, received from administrations, the Plenary Assemblies of the International Consultative Committees and conference preparatory meetings, and shall communicate them to Members as they are received, but in any case at least four months before the opening of the conference. Elected officials and staff Members of the Union, as well as those observers and representatives that may attend administrative conferences in accordance with Nos. 150-156 [354-360], shall not be entitled to submit proposals.
- ADD 175A 5. The Secretary-General shall also assemble reports received from Members, the Administrative Council, the International Consultative Committees, and the IFRB and shall communicate them to Members at least four months before the opening of the Conference.
- ADD* 175B 6. Proposals received after the time-limit specified in No. 172 [376] shall be communicated to all Members by the Secretary-General as soon as practicable.
- NOC 176 5. The provisions of the present Article shall apply without prejudice to the relevant, specific amendment provisions contained in Article 43 of the Constitution and in Article 35 of this Convention.

ARTICLE 15 [67]

Credentials for Delegations to Conferences

- NOC [380] 177 1. The delegation sent by a Member of the Union to a conference shall be duly accredited in accordance with Nos. 178 [381] to 184 [387] of this Convention.
- NOC [381] 178 2. (1) Accreditation of delegations to Plenipotentiary Conferences shall be by means of instruments signed by the Head of State, by the Head of the Government or by the Minister for Foreign Affairs.
- NOC [382] 179 (2) Accreditation of delegations to administrative conferences shall be by means of instruments signed by the Head of State, by the Head of the Government, by the Minister for Foreign Affairs or by the Minister responsible for questions dealt with during the conference.

* Spanish text to be aligned.

- (MOD*) [383] 180 (3) Subject to confirmation prior to the signature of the Final Acts, by one of the authorities mentioned in Nos. 178 [381] or 179 [382] of this Convention, delegations may be provisionally accredited by the Head of the diplomatic mission of the Member concerned to the host government. In the case of a conference held in the Swiss Confederation, a delegation may also be provisionally accredited by the Head of the Permanent Delegation of the Member concerned to the United Nations Office at Geneva.
- NOC [384] 181 3. Credentials shall be accepted if they are signed by the appropriate authority mentioned under Nos. 178 [381] to 180 [383] of this Convention, and fulfil one of the following criteria:
- MOD** [385] 182 - they confer full powers to the delegation;
- NOC [386] 183 - they authorize the delegation to represent its government, without restrictions;
- NOC [387] 184 - they give the delegation, or certain members thereof, the right to sign the Final Acts.
- MOD [388] 185 4. (1) A delegation whose credentials are found to be in order by the Plenary Meeting shall be entitled to exercise the right to vote of the Member concerned subject to Nos. 122 and 175 of the Constitution and to sign the Final Acts.
- NOC [389] 186 (2) A delegation whose credentials are found not to be in order by the Plenary Meeting shall not be entitled to exercise the right to vote or to sign the Final Acts until the situation has been rectified.
- NOC [390] 187 5. Credentials shall be deposited with the secretariat of the conference as early as possible. A special committee as described in No. 267 [471] of this Convention shall be entrusted with the verification thereof and shall report on its conclusions to the Plenary Meeting within the time specified by the latter. Pending the decision of the Plenary Meeting thereon, any delegation shall be entitled to participate in the conference and to exercise the right to vote of the Member concerned.

* Spanish text only.

** English only.

- NOC [391] 188 6. As a general rule, Members of the Union should endeavour to send their own delegations to conferences of the Union. However, if a Member is unable, for exceptional reasons, to send its own delegation, it may give the delegation of another Member powers to vote and sign on its behalf. Such powers must be conveyed by means of an instrument signed by one of the authorities mentioned in Nos. 178 [381] or 179 [382] of this Convention.
- NOC [392] 189 7. A delegation with the right to vote may give to another delegation with the right to vote a mandate to exercise its vote at one or more meetings at which it is unable to be present. In such a case it shall, in good time, notify the Chairman of the conference in writing.
- NOC [393] 190 8. A delegation may not exercise more than one proxy vote.
- NOC [394] 191 9. Credentials and the transfer of powers sent by telegram shall not be accepted. Nevertheless, replies sent by telegram to requests by the Chairman or the secretariat of the conference for clarification of credentials shall be accepted.

ARTICLE 25 [77]

NOC Rules of Procedure of Conferences and Other Meetings

NOC 246 The Rules of Procedure shall apply without prejudice to the relevant, specific amendment provisions contained in Article 43 of the Constitution and in Article 35 of this Convention:

NOC 1. Order of Seating

NOC [449] 247 At meetings of the conference, delegations shall be seated in the alphabetical order of the French names of the Members represented.

NOC 2. Inauguration of the Conference

NOC [450] 248 1. (1) The inaugural meeting of the conference shall be preceded by a meeting of the Heads of delegations in the course of which it shall prepare the agenda for the first Plenary Meeting and make proposals for the organization, chairmanships and vice-chairmanships of the conference and its committees, taking into account the principles of rotation, geographical distribution, the necessary competence and the provisions of No. 252 [454] of this Convention.

- NOC [451] 249 (2) The Chairman of the meeting of Heads of delegation shall be appointed in accordance with the provisions of Nos. 250 [452] and 251 [453] of this Convention.
- NOC [452] 250 2. (1) The conference shall be opened by a person appointed by the inviting government.
- NOC [453] 251 (2) When there is no inviting government, it shall be opened by the oldest Head of delegation.
- NOC [454] 252 3. (1) The Chairman of the conference shall be elected at the first Plenary Meeting; generally he shall be a person nominated by the inviting government.
- NOC [455] 253 (2) If there is no inviting government, the Chairman shall be chosen, taking into account the proposal made by the Heads of delegations at the meeting described in No. 248 [450] of this Convention.
- NOC [456] 254 4. The first Plenary Meeting shall also:
- NOC [457] 255 a) elect the Vice-Chairmen of the conference;
- NOC [458] 256 b) set up the conference committees and elect their respective Chairmen and Vice-Chairmen;
- NOC [459] 257 c) constitute the conference secretariat, made up of the staff of the General Secretariat of the Union, and, in case of need, of staff provided by the administration of the inviting government.
- NOC 3. Powers of the Chairman of the Conference
- NOC [460] 258 1. The Chairman, in addition to the other prerogatives conferred upon him under these Rules of Procedure, shall open and close the meetings of the Plenary Meeting, direct the deliberations, ensure that the Rules of Procedure are applied, give the floor to speakers, put questions to the vote, and announce the decisions adopted.
- NOC [461] 259 2. He shall have the general direction of all the work of the conference, and shall ensure that order is maintained at Plenary Meetings. He shall give his ruling on motions of order and points of order and, in particular, he shall be empowered to propose that discussion on a question be postponed or closed, or that a meeting be suspended or adjourned. He may also decide to postpone the convening of a Plenary Meeting should he consider it necessary.

- NOC [462] 260 3. It shall be the duty of the Chairman to protect the right of each delegation to express its opinion freely and fully on the point at issue.
- NOC [463] 261 4. He shall ensure that discussion is limited to the point at issue, and he may interrupt any speaker who departs therefrom and request him to confine his remarks to the subject under discussion.
- NOC **4. Appointment of Committees**
- NOC [464] 262 1. The Plenary Meeting may appoint committees to consider matters referred to the conference. These committees may in turn appoint sub-committees. Committees and sub-committees may form working groups.
- NOC [465] 263 2. However, sub-committees and working groups shall be formed only when it is absolutely necessary.
- NOC [466] 264 3. Subject to the provisions of Nos. 262 [464] and 263 [465] of this Convention, the following committees shall be set up:
- NOC [467] 4.1 Steering Committee
- NOC [468] 265 a) This committee shall normally be composed of the Chairman of the conference or meeting, who shall be its Chairman, by the Vice-Chairmen of the conference and by the Chairmen and Vice-Chairmen of committees;
- NOC [469] 266 b) The steering committee shall coordinate all matters connected with the smooth execution of work and shall plan the order and number of meetings, avoiding overlapping wherever possible in view of the limited number of members of some delegations.
- NOC [470] 4.2 Credentials Committee
- NOC [471] 267 This committee shall verify the credentials of delegations to the conferences and shall report on its conclusions to the Plenary Meeting within the time specified by the latter.

- | | | | |
|-----|-----------|-----|---|
| NOC | [472] | 4.3 | Editorial Committee |
| NOC | [473] 268 | a) | The texts prepared in the various committees which shall be worded as far as possible in their definitive form by these committees, taking account of the views expressed, shall be submitted to an editorial committee charged with perfecting their form without altering the sense and, where appropriate, with combining them with those parts of former texts which have not been altered. |
| NOC | [474] 269 | b) | The texts shall be submitted by the editorial committee to the Plenary Meeting, which shall approve them, or refer them back to the appropriate committee for further examination. |
| NOC | [475] | 4.4 | Budget Control Committee |
| NOC | [476] 270 | a) | At the opening of each conference or meeting, the Plenary Meeting shall appoint a budget control committee to determine the organization and the facilities available to the delegates, and to examine and approve the accounts for expenditure incurred throughout the duration of the conference or meeting. In addition to the members of delegations who wish to participate, this committee shall include a representative of the Secretary-General and, where there is an inviting government, a representative of that government. |
| NOC | [477] 271 | b) | Before the budget approved by the Administrative Council for the conference or meeting is exhausted, the budget control committee, in collaboration with the secretariat of the conference or meeting, shall present an interim statement of the expenditure to the Plenary Meeting. The Plenary Meeting shall take this statement into account in considering whether the progress made is sufficient to justify a prolongation of the conference or meeting after the date when the approved budget will be exhausted. |
| NOC | [478] 272 | c) | At the end of each conference or meeting, the budget control committee shall present a report to the Plenary Meeting showing, as accurately as possible, the estimated total expenditure of the conference or meeting, as well as an estimate of the costs that may be entailed by the execution of the decisions taken by such conference or meeting. |

NOC [479] 273 d) After consideration and approval by the Plenary Meeting, this report, together with the observations of the Plenary Meeting, shall be transmitted to the Secretary-General for submission to the Administrative Council at its next annual session.

NOC 5. Composition of Committees

NOC [480] 5.1 Plenipotentiary Conferences

NOC [481] 274 Committees shall be composed of the delegates of Members and the observers referred to in Nos. 140 [344], 141 [345] and 142 [346] of this Convention who have so requested or who have been designated by the Plenary Meeting.

NOC [482] 5.2 Administrative Conferences

NOC [483] 275 Committees shall be composed of the delegates of Members and the observers and representatives referred to in Nos. 150 [354] to 154 [358] of this Convention who have so requested or who have been designated by the Plenary Meeting.

NOC [484] 6. Chairmen and Vice-Chairmen of Sub-Committees

NOC [485] 276 The Chairman of each committee shall propose to his committee the choice of the Chairmen and Vice-Chairmen of the sub-committees which may be set up.

NOC 7. Summons to Meetings

NOC [486] 277 Plenary Meetings and meetings of committees, sub-committees and working groups shall be announced in good time in the meeting place of the conference.

8. Proposals Presented Before the Opening of the Conference

NOC [487] 278 Proposals presented before the opening of the conference shall be allocated by the Plenary Meeting to the appropriate committees appointed in accordance with Section 4 of these Rules of Procedure. Nevertheless, the Plenary Meeting itself shall be entitled to deal with any proposal.

9. Proposals or Amendments Presented During the Conference

- NOC [488] 279 1. Proposals or amendments presented after the opening of the conference must be delivered to the Chairman of the conference or to the Chairman of the appropriate committee, as the case may be. They may also be handed to the secretariat of the conference for publication and distribution as conference documents.
- NOC [489] 280 2. No written proposal or amendment may be presented unless signed by the Head of the delegation concerned or by his deputy.
- NOC [490] 281 3. The Chairman of the conference or of a committee, a sub-committee or a working group may at any time submit proposals likely to accelerate the debates.
- NOC [491] 282 4. Every proposal or amendment shall give, in precise and exact terms, the text to be considered.
- NOC [492] 283 5. (1) The Chairman of the conference or the Chairman of the appropriate committee, sub-committee or working group shall decide in each case whether a proposal or amendment submitted during a meeting shall be made orally or presented in writing for publication and distribution in accordance with No. 279 [488] of this Convention.
- NOC [493] 284 (2) In general, the texts of all major proposals to be put to the vote shall be distributed in good time in the working languages of the conference, in order that they may be studied before discussion.
- NOC [494] 285 (3) In addition, the Chairman of the conference, on receiving proposals or amendments referred to in No. 279 [488] of this Convention, shall refer them to the appropriate committee or to the Plenary Meeting as the case may be.
- NOC [495] 286 6. Any authorized person may read, or may ask to have read, at a Plenary Meeting any proposal or amendment submitted by him during the conference, and he shall be allowed to explain his reasons therefor.

MOD 10. Conditions Required for Discussion of, Decision or
Vote on, any Proposal or Amendment

- NOC [496] 287 1. No proposal or amendment submitted prior to the opening of the conference or by a delegation during the conference may be discussed unless it is supported by at least one other delegation when it comes to be considered.

- MOD** [497] 288 2. Each proposal or amendment duly supported shall be submitted for discussion and thereafter for decision, if necessary by a vote.
- NOC** 11. **Proposals or Amendments Passed Over or Postponed**
- NOC** [498] 289 When a proposal or an amendment has been passed over or when its examination has been postponed, the delegation sponsoring it shall be responsible for seeing that it is considered later.
- NOC** 12. **Rules for Debates of the Plenary Meeting**
- NOC** [499] 12.1 Quorum
- NOC** [500] 290 For a valid vote to be taken at a Plenary Meeting, more than half of the delegations accredited to the conference and having the right to vote must be present or represented at the meeting.
- NOC** [501] 12.2 Order of debates
- NOC** [502] 291 (1) Persons desiring to speak must first obtain the consent of the Chairman. As a general rule, they shall begin by announcing in what capacity they speak.
- NOC** [503] 292 (2) Any person speaking must express himself slowly and distinctly, separating his words and pausing as necessary in order that everybody may understand his meaning.
- NOC** [504] 12.3 Motions of order and points of order
- NOC** [505] 293 (1) During debates, any delegation may, when it thinks fit, submit a motion of order or raise a point of order, which shall at once be settled by the Chairman in accordance with these Rules of Procedure. Any delegation may appeal against the Chairman's ruling, which shall however stand unless a majority of the delegations present and voting are against it.
- NOC** [506] 294 (2) A delegation submitting a motion of order shall not, during its speech, discuss the substance of the matter in question.

- NOC [507] 12.4 Priority of motions of order and points of order
- NOC [508] 295 The motions and points of order mentioned in No. 293 [505] of this Convention shall be dealt with in the following order:
- NOC [509] 296 a) any point of order regarding the application of these Rules of Procedure, including voting procedures;
- NOC [510] 297 b) suspension of a meeting;
- NOC [511] 298 c) adjournment of a meeting;
- NOC [512] 299 d) postponement of debate on the matter under discussion;
- NOC [513] 300 e) closure of debate on the matter under discussion;
- NOC [514] 301 f) any other motions of order or points of order that may be submitted, in which case it shall be for the Chairman to decide the relative order in which they shall be considered.
- NOC [515] 12.5 Motion for suspension or adjournment of a meeting
- NOC [516] 302 During the discussion of a question, a delegation may move that the meeting be suspended or adjourned, giving reasons for its proposal. If the proposal is seconded, the floor shall be given to two speakers to oppose the suspension or adjournment and solely for that purpose, after which the motion shall be put to the vote.
- NOC [517] 12.6 Motion for postponement of debate
- NOC [518] 303 During discussion of any question, a delegation may move that the debate be postponed for a stated period. Once such a proposal has been made, any discussion thereon shall be limited to no more than three speakers not counting the person submitting the proposal, one for the motion and two against, after which the motion shall be put to the vote.
- NOC [519] 12.7 Motion for closure of debate
- NOC [520] 304 A delegation may at any time move that discussions on the point at issue be closed. In such cases the floor shall be given to not more than two speakers opposing the motion, after which the motion shall be put to the vote. If the motion succeeds, the Chairman will immediately call for a vote on the point at issue.

- NOC [521] 12.8 Limitation of speeches
- NOC [522] 305 (1) The Plenary Meeting may, if necessary, decide how many speeches any one delegation may make on any particular point, and how long they may last.
- NOC [523] 306 (2) However, as regards questions of procedure, the Chairman shall limit the time allowed for a speech to a maximum of five minutes.
- NOC [524] 307 (3) When a speaker has exceeded the time allowed, the Chairman shall notify the Meeting and request the speaker to conclude his remarks briefly.
- NOC [525] 12.9 Closing the list of speakers
- NOC [526] 308 (1) During the debate, the Chairman may rule that the list of speakers wishing to take the floor be read. He shall add the names of other delegations who indicate that they wish to speak and he may then, with the assent of the Meeting, rule that the list be closed. Nevertheless, as an exceptional measure, the Chairman may rule, if he thinks fit, that a reply may be made to any previous statement, even after the list of speakers has been closed.
- NOC [527] 309 (2) The list of speakers having been exhausted, the Chairman shall declare discussion on the matter closed.
- NOC [528] 12.10 Questions of competence
- NOC [529] 310 Any question of competence that may arise shall be settled before a vote is taken on the substance of the matter under discussion.
- NOC [530] 12.11 Withdrawal and resubmission of a motion
- NOC [531] 311 The author of a motion may withdraw it before it is put to a vote. Any motion, whether it be amended or not, which has been withdrawn from debate may be resubmitted or taken up by the author of the amendment or by another delegation.

- NOC
13. Right to Vote
- NOC [532] 312 1. At all meetings of the conference, the delegation of a Member of the Union duly accredited by that Member to take part in the work of the conference shall be entitled to one vote in accordance with Article 2 of the Constitution.
- NOC [533] 313 2. The delegation of a Member of the Union shall exercise the right to vote under the conditions described in Article 15 [67] of this Convention.
- NOC
14. Voting
- NOC [534] 14.1 Definition of a majority
- NOC [535] 314 (1) A majority shall consist of more than half the delegations present and voting.
- NOC [536] 315 (2) In computing a majority, delegations abstaining shall not be taken into account.
- NOC [537] 316 (3) In case of a tie, a proposal or amendment shall be considered rejected.
- NOC [538] 317 (4) For the purpose of these Rules of Procedure, a "delegation present and voting" shall be a delegation voting for or against a proposal.
- NOC [539] 14.2 Non-participation in voting
- NOC* [540] 318 Delegations which are present but do not take part in a particular vote or expressly state they do not wish to take part shall be considered neither as absent, for the purpose of determining a quorum as defined in No. 290 [500] of this Convention, nor as abstaining for the purpose of No. 320 [544] of this Convention.
- NOC [541] 14.3 Special majority
- NOC [542] 319 In cases concerning the admission of new Members of the Union, the majority described in Article 1 of the Constitution shall apply.
- NOC [543] 14.4 Abstentions of more than fifty per cent
- NOC [544] 320 When the number of abstentions exceeds half the number of votes cast (for, against, abstentions), consideration of the matter under discussion shall be postponed to a later meeting, at which time abstentions shall not be taken into account.

* English text should be improved to align with French and Spanish.

- NOC [545] 14.5 Voting Procedures
- NOC [546] 321 (1) The voting procedures are as follows:
- NOC [547] 322 a) by a show of hands as a general rule unless a roll call under b) or secret ballot under c) has been requested;
- NOC [548] 323 b) by a roll call in the alphabetical order of the French names of the Members present and entitled to vote:
- NOC [549] 324 1. if at least two delegations, present and entitled to vote, so request before the beginning of the vote and if a secret ballot under c) has not been requested, or
- NOC [550] 325 2. if the procedure under a) shows no clear majority;
- NOC [551] 326 c) by a secret ballot, if at least five of the delegations present and entitled to vote so request before the beginning of the vote.
- NOC [552] 327 (2) The Chairman shall, before commencing a vote, observe any request as to the manner in which the voting shall be conducted, and then shall formally announce the voting procedure to be applied and the issue to be submitted to the vote. He shall then declare the beginning of the vote. When the vote has been taken, he shall announce the results.
- NOC [553] 328 (3) In the case of a secret ballot, the secretariat shall at once take steps to ensure the secrecy of the vote.
- NOC [554] 329 (4) Voting may be conducted by an electronic system if a suitable system is available and if the conference so decides.
- NOC [555] 14.6 Prohibition of interruptions once the vote has begun
- NOC [556] 330 No delegation may interrupt once a vote has begun, unless to raise a point of order in connection with the way in which the vote is being taken. The point of order cannot include any proposal entailing a change in the vote that is being taken or a change in the substance of the question put to the vote. Voting shall begin with the Chairman's announcement that the voting has begun and shall end with the Chairman's announcement of its results.

- NOC [557] 14.7 Reasons for votes
- NOC [558] 331 The Chairman shall authorize any delegations which so request to give the reasons for their vote, after the vote has been taken.
- NOC [559] 14.8 Voting on parts of a proposal
- NOC [560] 332 (1) When the author of a proposal so requests, or when the meeting thinks fit, or when the Chairman, with the approval of the author, so proposes, that proposal shall be sub-divided and its various sections put to the vote separately. The parts of the proposal which have been adopted shall then be put to the vote as a whole.
- NOC [561] 333 (2) If all the sections of a proposal are rejected the proposal shall be regarded as rejected as a whole.
- NOC [562] 14.9 Order of voting on concurrent proposals
- NOC [563] 334 (1) When there are two or more proposals on any one matter, they shall be put to the vote in the order in which they were presented, unless the meeting decides to the contrary.
- NOC [564] 335 (2) After each vote, the meeting shall decide whether or not the following proposal shall be voted on.
- NOC [565] 14.10 Amendments
- NOC [566] 336 (1) Any proposal for modification consisting only of a deletion from, an addition to, or a change in, a part of the original proposal shall be considered an amendment.
- NOC [567] 337 (2) Any amendment to a proposal accepted by the delegation submitting the proposal shall at once be embodied in the original proposal.
- NOC [568] 338 (3) No proposal for modification shall be regarded as an amendment if the meeting considers it to be incompatible with the original proposal.
- NOC [569] 14.11 Voting on amendments
- NOC [570] 339 (1) When an amendment to a proposal is submitted, a vote shall first be taken on the amendment.

NOC [571] 340 (2) When two or more amendments to a proposal are submitted, the amendment furthest from the original text shall be put to the vote first; if this amendment does not obtain the support of the majority, of the remaining amendments, that furthest from the proposal shall then be put to the vote and the same procedure shall be followed until a subsequent amendment gains the support of the majority; if all the amendments submitted have been considered and none has gained a majority, the unamended proposal shall be put to the vote.

NOC [572] 341 (3) If one or more amendments are adopted, the proposal thus amended, shall then be put to the vote.

NOC [573] 14.12 Repetition of a vote

NOC [574] 342 (1) In the committees, sub-committees or working groups of a conference or a meeting, a proposal, a part of a proposal or an amendment which has already been decided by a vote within one of the committees, sub-committees or working groups may not be put to the vote again within the same committee, sub-committee or working group. This shall apply irrespective of the voting procedure chosen.

NOC [575] 343 (2) In the Plenary Meetings a proposal, a part of a proposal or an amendment shall not be put to the vote again unless:

NOC [576] 344 a) the majority of the Members entitled to vote so request, and

NOC [577] 345 b) the request for a repetition of the vote is made at least one day after the vote has been taken.

15. Committees and Sub-Committees Rules for Debates and Voting Procedures

NOC [578] 346 1. The Chairmen of all committees and sub-committees shall have powers similar to those conferred by Section 3 of the present Rules of Procedure on the Chairman of the conference.

- NOC [579] 347 2. The provisions set forth in Section 12 of the present Rules of Procedure for the conduct of debates in the Plenary Meeting shall also apply to the discussions of committees and sub-committees, except in the matter of the quorum.
- NOC [580] 348 3. The provisions set forth in Section 14 shall also apply to votes taken in committees and sub-committees.

16. Reservations

- [581] 349 [COM.9]
- [582] 350 [COM.9]

NOC 17. Minutes of Plenary Meetings

- NOC [583] 351 1. The minutes of Plenary Meetings shall be drawn up by the secretariat of the conference, which shall ensure that they are distributed to delegations as early as possible, and in any event not later than five working days after each meeting.
- NOC [584] 352 2. After the minutes have been distributed, delegations may submit in writing to the secretariat of the conference the corrections they consider to be justified; this shall be done in the shortest possible time. This shall not prevent them from presenting amendments orally during the meeting at which the minutes are approved.
- NOC [585] 353 3. (1) As a general rule, the minutes shall contain only proposals and conclusions, together with the principal arguments for them presented in terms as concise as possible.
- NOC [586] 354 (2) However, any delegation shall have the right to require the insertion in the minutes, either summarized or in full, of any statement it has made during the debates. In this case, the delegation should, as a general rule, announce this at the beginning of its statement in order to facilitate the work of the reporters and must itself hand in the text to the secretariat of the conference within two hours after the end of the meeting.
- NOC [587] 355 4. The right accorded in No. 354 [586] of this Convention regarding the insertion of statements in the minutes shall in all cases be used with discretion.

NOC **18. Summary Records and Reports of Committees and Sub-Committees**

NOC [588] 356 1. (1) Summary records of the debates of meetings of committees or sub-committees shall be drawn up, meeting by meeting, by the secretariat of the conference, which shall ensure that they are distributed to delegations not later than five working days after each meeting. The records shall bring out the essential points of the discussion, and the various opinions of which note ought to be taken, together with any proposals or conclusions resulting from the debates as a whole.

NOC [589] 357 (2) Nevertheless, any delegation shall be entitled to invoke No. 354 [586] of this Convention.

NOC [590] 358 (3) The right referred to above shall in all circumstances be used with discretion.

NOC [591] 359 2. Committees and sub-committees may prepare any interim reports they deem necessary and, if circumstances warrant, they may submit, at the end of their work, a final report recapitulating in concise terms the proposals and conclusions resulting from the studies entrusted to them.

NOC **19. Approval of Minutes, Summary Records and Reports**

NOC [592] 360 1. (1) As a general rule, at the beginning of each Plenary Meeting, or meeting of a committee, or sub-committee, the Chairman shall inquire whether there are any comments on the minutes of the previous meeting, or, in the case of committees or sub-committees, on the summary record of the previous meeting. These documents shall be considered approved if no amendments have been handed in to the secretariat and no objection is made orally. Otherwise, the appropriate amendments shall be made in the minutes or summary record as the case may be.

NOC [593] 361 (2) Any interim or final report must be approved by the committee or sub-committee concerned.

NOC [594] 362 2. (1) The minutes of the last Plenary Meetings shall be examined and approved by the Chairman.

NOC [595] 363 (2) The summary records of the last meetings of each committee or sub-committee shall be examined and approved by the Chairman of the committee or sub-committee.

NOC 20. Numbering

NOC [596] 364 1. The numbers of the chapters, articles and paragraphs of the texts subjected to revision shall be preserved until the first reading in Plenary Meeting. The passages added shall bear provisionally the number of the last paragraph in the original text, with the addition of "A", "B", etc.

NOC [597] 365 2. The final numbering of the chapters, articles and paragraphs shall normally be entrusted to the Editorial Committee after their adoption at the first reading, but may, by a decision of the Plenary Meeting, be entrusted to the Secretary-General.

NOC Final Approval

NOC [598] 366 The texts of the Final Acts shall be considered final when they have been approved at the second reading in Plenary Meeting.

NOC 22. Signature

NOC [599] 367 The final texts approved by the conference shall be submitted for signature, in the alphabetical order of the Members' French names to the delegates provided with the powers defined in Article 15 [67] of this Convention.

NOC 23. Press Notices

NOC [600] 368 Official releases to the press about the work of the conference shall be issued only as authorized by the Chairman of the conference.

NOC 24. Franking Privileges

NOC [601] 369 During the conference, members of delegations, representatives of Members of the Administrative Council, senior officials of the permanent organs of the Union attending the conference, and the staff of the secretariat of the Union seconded to the conference shall be entitled to postal, telegram, telephone and telex franking privileges to the extent arranged by the host government in agreement with the other governments and recognized private operating agencies concerned.

ARTICLE 26 [78]

NOC

Languages

- NOC [602] 370 1. (1) At conferences of the Union and at meetings of the Administrative Council and the International Consultative Committees, languages other than those mentioned in the relevant provisions of Article 16 of the Constitution may be used:
- NOC [603] 371 a) if an application is made to the Secretary-General or to the Head of the permanent organ concerned to provide for the use of an additional language or languages, oral or written, provided that the additional cost so incurred shall be borne by those Members which have made or supported the application;
- NOC [604] 372 b) if any delegation itself makes arrangements at its own expense for oral translation from its own language into any one of the languages referred to in the relevant provision of Article 16 of the Constitution.
- NOC [605] 373 (2) In the case provided for in No. 371 [603] of this Convention, the Secretary-General or the Head of the permanent organ concerned shall comply to the extent practicable with the application, having first obtained from the Members concerned an undertaking that the cost incurred will be duly repaid by them to the Union.
- NOC [606] 374 (3) In the case provided for in No. 372 [604] of this Convention, the delegation concerned may, furthermore, if it wishes, arrange at its own expense for oral translation into its own language from one of the languages referred to in the relevant provision of Article 16 of the Constitution.
- NOC [607] 375 2. Any of the documents referred to in the relevant provisions of Article 16 of the Constitution may be published in languages other than those there specified, provided that the Members requesting such publication undertake to defray the whole of the cost of translation and publication involved.

NOC

ARTICLE 29

(present Article 28 of the Nairobi Convention)

Charges and Free Services

NOC [148] 397

The provisions regarding charges for telecommunications and the various cases in which free services are accorded are set forth in the Administrative Regulations.

NOC

ARTICLE 30 [81]

(combined with present Article 29 of the Nairobi Convention)

NOC

Rendering and Settlement of Accounts

NOC [149] 398

1. The settlement of international accounts shall be regarded as current transactions and shall be effected in accordance with the current international obligations of the Members concerned, in those cases where their governments have concluded arrangements on this subject. Where no such arrangements have been concluded, and in the absence of special agreements made under Article 27 [31] of the Constitution, these settlements shall be effected in accordance with the Administrative Regulations.

NOC [629] 399

2. Administrations of Members and recognized private operating agencies which operate international telecommunication services, shall come to an agreement with regard to the amount of their credits and debits.

NOC [630] 400

3. The statement of accounts with respect to debits and credits referred to in No. 399 [629] of this Convention shall be drawn up in accordance with the provisions of the Administrative Regulations, unless special arrangements have been concluded between the parties concerned.

ARTICLE 33

(present Article 27 of the Nairobi Convention)

NOC

Secret Language

- NOC [145] 405 1. Government telegrams and service telegrams may be expressed in secret language in all relations.
- NOC [146] 406 2. Private telegrams in secret language may be admitted between all Members with the exception of those which have previously notified, through the medium of the Secretary-General, that they do not admit this language for that category of correspondence.
- NOC [147] 407 3. Members which do not admit private telegrams in secret language originating in or destined for their own territory must let them pass in transit, except in the case of suspension of service provided for in Article 20 of the Constitution.

ANNEX 1

NOC

Definition of Certain terms Used in this Convention and the Administrative Regulations of the International Telecommunication Union

For the purpose of the above instruments of the Union,
the following terms shall have the meanings defined below:

MOD

[2007]

Expert: A person sent by either:

- a) the Government or the Administration of his country, or
- b) an organization authorized by the Government or the Administration of the country concerned, or
- c) an international organization

to participate in special tasks of the Union relevant to his area of professional competence.

- NOC [2010] Observer: A person sent by:
- the United Nations, a specialized agency of the United Nations, the International Atomic Energy Agency or a regional telecommunication organization to participate in a Plenipotentiary Conference, an administrative conference or a meeting of an International Consultative Committee in an advisory capacity;
 - an international organization to participate in an administrative conference or a meeting of an International Consultative Committee in an advisory capacity;
 - the government of a Member of the Union to participate in a non-voting capacity in a regional administrative conference;
- in accordance with the relevant provisions of this Convention.
- NOC [2014] Mobile Service: A radiocommunication service between mobile and land stations, or between mobile stations.
- MOD [2017] Service Telecommunication: A telecommunication that relates to public international telecommunications and that is exchanged among the following:
- administrations,
 - recognized private operating agencies,
 - and the Chairman of the Administrative Council, the Secretary-General, the Deputy Secretary-General, the Directors of the International Consultative Committees, the members of the International Frequency Registration Board, other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.
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INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 356-E

20 June 1989

Original: French

Note by the Chairman of the Conference

DEADLINE FOR RECEIPT OF CANDIDACIES FOR THE POSTS OF
DIRECTOR OF THE CCIR, DIRECTOR OF THE CCITT, MEMBERS OF
THE IFRB (FIVE) AND MEMBERS OF THE ADMINISTRATIVE COUNCIL

(Approved at the Sixteenth Plenary Meeting)

The deadline for the receipt of candidacies for the posts of Director of the CCIR, Director of the CCITT, members of the IFRB (five) and Members of the Administrative Council will be Wednesday, 21 June 1989 at 2100 hours UTC.

J. GRENIER
Chairman

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 357-E

20 June 1989

Original: English

COMMITTEE 7

NOTE BY THE SECRETARY-GENERAL

Further to Document 349 and as announced in the second paragraph thereof, I hereby submit to Committee 7 the related extracts from the summary records of the nineteenth and twentieth meetings of Committee 7, held respectively on Saturday, 17 June, and Monday, 19 June 1989.

R.E. BUTLER
Secretary-General

Annexes: 2

ANNEX 1

PROVISIONAL EXTRACT

OF THE

SUMMARY RECORD

OF THE

NINETEENTH MEETING OF COMMITTEE 7

(STRUCTURE OF THE UNION)

Saturday, 17 June 1989, at 1445 hrs.

Chairman: Mr. A. VARGAS ARAYA (Costa Rica)

Subjects discussed:

Documents

- | | | |
|----|--|--------------|
| 1. | Establishment of Drafting Group 7 ad hoc 2 to consider the terms of reference for the study on the structures and working methods of the Union | - |
| 2. | Term of office of CCI Directors elected by the present Plenipotentiary Conference | 55,82,98,110 |

1. Establishment of Drafting Group 7 ad hoc 2 to consider the terms of reference for the study of the structures and working methods of the Union

1.1 The Chairman repeated his proposal made the previous evening that Drafting Group 7 ad hoc 2 be set up to consider the terms of reference for the study on the structures and working methods of the Union; that Group should prepare a draft text on the matter for submission to Committee 7. The Federal Republic of Germany had agreed to chair the Group, which would comprise the delegates of Algeria, Saudi Arabia, Australia, Brazil, Burkina Faso, Canada, Colombia, Spain, the United States, Ethiopia, Hungary, India, Indonesia, Japan, Kenya, Mali, Peru, the United Kingdom, Tanzania and the USSR.

It was so agreed.

1.2 The delegates of Mexico, Greece, Paraguay and China having expressed a wish to join the Drafting Group, the Chairman invited them and any other delegates wishing to participate to inform the Chairman of the Drafting Group accordingly.

2. Term of office of CCI Directors elected by the present Plenipotentiary Conference

2.1 The delegate of Indonesia said proposals INS/55/2-3 had advocated a merger of the CCIs and election of a single Director at the present Conference but in the light of the discussion on CCI structures, he could accept the decision to maintain the present structure of the CCIs with two Directors until such time as it might be decided otherwise by an extraordinary Plenipotentiary Conference convened to review the results of the structural study. The term of office of the CCI Directors elected by the present Plenipotentiary Conference should therefore run until the extraordinary Conference, which should be held in 1991.

2.2 The delegates of Ethiopia and Greece (proposals GRC/98/5 and GRC/110/23) endorsed those views.

2.3 The delegate of the United Kingdom said that proposal G/82/9 had been for a review of the structure and working methods of the CCIs and had not been intended to have any impact on election proceedings at the present Conference. Under the Nairobi Convention, Directors of the CCIs were to be elected by the Plenipotentiary Conference. Since there was no suggestion that that principle be revoked by the present Conference the Directors it elected would remain in office until the next election took place, namely at the next Plenipotentiary Conference. The only uncertainty (which was not unusual since the interval between Plenipotentiary Conferences was not rigidly fixed) was the date of the next Conference, which some delegates were suggesting should be held in two years' time rather than after the normal five years' interval.

2.4 The delegates of Canada, Papua New Guinea, the Netherlands, Brazil, the Islamic Republic of Iran, Mexico and the United States endorsed that opinion. The delegate of Canada noted further that, as the Legal Adviser had pointed out at an earlier meeting, the next Conference, even if held after a very short interval, would be a regular Plenipotentiary Conference, since there was no provision in the Convention for an extraordinary one.

2.5 The delegate of the Federal Republic of Germany said it would be difficult to resolve the issue of the length of term of office of CCI Directors following the present Plenipotentiary Conference until a time frame had been decided for the structural study, suggestions for which varied at present between two and five years.

2.6 The delegate of Australia said that it was necessary to elect two CCI Directors at the present Plenipotentiary Conference to ensure continuity of important on-going work. Perhaps the Administrative Council could be authorized to extend or terminate the period of office of those Directorships depending on the outcome of the structural study; it was not yet a foregone conclusion whether that study would recommend one or two Directors.

2.7 The delegate of Kenya said that the problem was that the completion date for the structural study was still uncertain. Were the study to be completed in two years' time, there would be a question as to whether the relevant decisions could be left to the Administrative Council or whether a Plenipotentiary Conference should be convened for the purpose. Perhaps some provision could be made in the Constitution for convening an extraordinary Plenipotentiary Conference, defined as one with a limited agenda for debating a specific issue on which a decision by all Members was required.

2.8 The delegates of the Islamic Republic of Iran and Mexico considered that a Plenipotentiary Conference should be convened as soon as the structural study had been completed, in order to review the results and elect the number of CCI Directors it decided upon.

2.9 The Legal Adviser, replying to a request for clarification of No. 44 of the Convention from the delegate of Mali, said that not only No. 44 dealt with the election of CCI Directors, but also No. 323 of the Convention, which clearly indicated that CCI Directors were elected for the interval between two Plenipotentiary Conferences. Any Director elected at the present Plenipotentiary Conference would therefore continue in office until the elections taking place at the subsequent Plenipotentiary Conference came into effect. He drew the Committee's attention to No. 34 of the Convention, where it was stipulated that the Plenipotentiary Conference should "normally be convened every five years". The use of the term "normally", which had been carried forward into the Nairobi Convention by many previous Plenipotentiary Conferences, implied that any Plenipotentiary Conference, whenever it was convened, was a regular one. No hierarchical distinction between extraordinary and regular Plenipotentiary Conferences was made in the Convention. The Committee was reminded that the uncertainty in the length of term of office of elected officials, which had been commented on in the context of the uncertainty of the length of time required for the structural study, already existed in the present Convention, and would continue to exist, as the same provisions had been carried forward into the new draft Constitution and Convention. He drew the Committee's attention also to Article 53 of the Nairobi Convention which described the ways in which a date could, at any rate, be set and changed for a Plenipotentiary Conference and noted further that the provisions relating to terms of office of elected officials applied not only to CCI Directors, but also to the Secretary-General, the Deputy Secretary-General and the members of the IFRB.

2.10 The delegates of the United Kingdom and Yugoslavia thanked the Legal Adviser for his very lucid explanation.

2.11 The Legal Adviser, in reply to a question by the delegate of Saudi Arabia, confirmed that, if a Plenipotentiary Conference would be convened in 1991 to consider the results of a structural study, it would, under the Nairobi Convention, be a regular or normal Plenipotentiary Conference, since the Convention made no distinction between ordinary or extraordinary Plenipotentiary Conferences. In reply to a question from the delegate of Kenya, who had asked whether the agenda for such a Plenipotentiary Conference could be restricted to dealing only with the results of a structural study, he said that it was generally a somewhat unusual, but traditional feature of the ITU that the agendas of its Plenipotentiary Conferences were considered to be set out in the respective provisions of Article 6 of the Convention. The usual agenda for a

Plenipotentiary Conference included thus all the provisions set out in Article 6. If this Conference was considering convening a Plenipotentiary Conference to review the results of the structural study only, the present Conference ought, in his view, to think very carefully, before it decided to restrict the scope of the agenda for that conference in any way. For such a restriction the form of a Resolution or Recommendation might perhaps be envisaged, but any Plenipotentiary Conference, including the next one, was, as supreme organ of the Union, not bound to follow such a request contained therein. In his view, many items such as elections stipulated in Article 6 of the Convention, would have to be included in any Plenipotentiary Conference agenda, whenever it was convened. In reply to a question from the delegate of Mali, he explained that the obligation on the present Conference to elect the CCI Directors was contained in No. 323 of the Nairobi Convention and in paragraph 2 of Additional Protocol VI. In reply to the delegate of India, who asked whether it would be in order for a Resolution or Recommendation, or perhaps an Additional Protocol, to request the next Plenipotentiary Conference not to take up certain provisions of Article 6, such as those calling for election of the Secretary-General and Deputy Secretary-General, he was of the opinion that it was open to the present Conference, if it so wished, to adopt such a Resolution or Recommendation, since it was not binding on the supreme organ meeting as next Plenipotentiary Conference. However, the implications of including such a restriction in an Additional Protocol, that was to say in a form intended to be legally binding and requiring consent by governments, needed more careful study; he would prefer to reply on that point only during the following meeting of Committee 7.

2.12 The delegates of India and Tanzania said they would appreciate having that clarification.

2.13 The Legal Adviser promised to give his reply during the next meeting of Committee 7.

ANNEX 2

PROVISIONAL EXTRACT
OF THE
SUMMARY RECORD
OF THE
TWENTIETH MEETING OF COMMITTEE 7
(STRUCTURE OF THE UNION)

Monday, 19 June 1989

Chairman: Mr. A. VARGAS ARAYA (Costa Rica)

Subjects discussed:

3. Consideration of necessary transitional provisions relating to a Plenipotentiary Conference to consider the review of the structure and functioning of the ITU

3. Consideration of necessary transitional provisions relating to a Plenipotentiary Conference to consider the review of the structure and functioning of the ITU
(Document 340)

3.1 The Chairman, referring to a question posed by the delegate of India at the previous meeting of Committee 7, said that the Secretary-General was present to provide legal advice in accordance with No. 281 of the Convention. He added that some delegations had prepared Document 340 and wished it to be discussed under the present agenda item.

3.2 The delegate of India said that he had asked the Legal Adviser whether, in the event that the Plenipotentiary Conference in Nice were to take the decision that a Conference was to be convened between the present one and a normal Plenipotentiary conference, foreseen in about five to six years under No. 34 of the Nairobi Convention, the present Conference could restrict the mandate or agenda of that conference to only two items of the normal agenda as given in the provisions of Article 6. In reply to his question whether such a decision would be binding on the next Plenipotentiary Conference, either in the form of a Resolution or a Protocol, the Legal Adviser had wanted to know precisely the items that were to be considered for elimination and had said he would need time to consider the matter. The delegate of India had asked whether, in the event that the Nice Plenipotentiary Conference decided that a conference were to be held in the 1990/1992 time frame, the incumbents of the posts of Secretary-General and Deputy Secretary-General need not be subjected to re-election at that Plenipotentiary Conference and whether some action taken by the Nice Conference could provide therefor. He also enquired as to the legal status of such provisions and to what extent they would be binding on the next Plenipotentiary Conference likely to be held in 1991/92.

3.3 The Secretary-General, said that he had had discussions with the Legal Adviser concerning the situation that had arisen at the last meeting, as well as elements concerning Protocols, Resolutions and Recommendations. There was a proposal by the Delegation of Kenya seeking to introduce a form of Plenipotentiary Conference with a restricted agenda. On a second issue he said that reference had been made to a "Protocol". The Nairobi Convention contained Additional Protocols that had been becoming increasingly concerned with issues of substance rather than simple administrative ones. He concluded that if there was a wish for a type of Plenipotentiary Conference with a limited form of agenda it would be important to include that idea in the instrument to be adopted at the present Conference. The Legal Adviser had prepared an Article on transitional provisions relating to such a Plenipotentiary Conference and its provisional application. At issue was the instrument that would be in force at the time a Conference were to be convened in 1991, 1992 or other year.

3.4 The Legal Adviser, thanking the delegate of India for having repeated his question, said that it had to be borne in mind that if the present Conference intended to limit the mandate of the next Plenipotentiary Conference to be held after a period shorter than normal, the present Conference had to ensure that that was done on a legally sound treaty basis. If the present Conference would choose to do so, from the Legal Adviser's point of view, he could certainly not recommend that the Committee choose the form of a Resolution, Recommendation or even a Protocol.

The reasons could be summed up in two scenarios: the first scenario assumed that the present Conference would, on 29 June, have adopted a Constitution and a Convention, in which case the agenda, according to the Union's tradition, would be that contained in Article 6 of the Constitution and the next Plenipotentiary Conference would have to base itself on the agenda contained in that Article. Assuming that, by the date of the convening of the next Plenipotentiary Conference the Constitution would be in force - and that was a first premise and condition - and that, despite that agenda, it was

desired by this Conference to bind the next Conference to a more limited agenda containing fewer issues and subjects than in Article 6 of the Constitution, then, from the legal point of view, that purpose would be best served by having a transitional provision in the same instrument to be ratified or acceded to by Members, and which would have entered into force after a number of ratifications and accessions by Members had been deposited. At the end of the Constitution could be added a special Article on transitional provisions for that next Conference, which could stipulate, by way of enumeration, which Articles of the Nice instrument were not to be touched by that next Conference and whether the new amendment procedures, as proposed by the Group of Experts and still to be discussed by Committee 9, or the general rules of procedure for decision-making should be applied there. In such a scenario, the best and soundest legal solution was to insert in the Constitution such an Article on transitional provisions; it would have to be drafted not only in relation to that point but also with respect to entry into force of any amendments to the Constitution or to the Convention adopted by that Conference. The outlined scenario was, of course, based on the assumption that, by that time, the Nice Constitution and Convention would have entered into force. Legally, the matter would thus be covered by the derogation of certain Articles which otherwise apply and by specifying which Articles could be amended on the basis of the structural review and proposals by governments, and by allowing them to take consequential measures and related issues, including elections becoming necessary as a result of that Conference's decisions.

The second scenario, which he hoped would not materialize, was the possibility that neither a Constitution nor a Convention would be adopted at the end of the present Conference. In that case, the Nairobi Convention would still continue to be in force and apply to the next Conference. If restrictions be desired by the present Conference under the Nairobi Convention regime, a treaty form would have to be found indeed in the form of a Protocol revising or amending the Nairobi Convention, similar to an Article on transitional provisions outlined before for the Nice Constitution; such a Protocol, however, would have to undergo the necessary ratification and accession procedure, so as to be in force at the time of that next Conference.

3.5 The delegate of India thanked the Secretary-General and the Legal Adviser for their clarifications. However, he still had a doubt in relation to the situation if the Constitution and Convention adopted by the Nice Conference had not entered into force by the time the next conference was convened in 1991.

3.6 The Secretary-General said that the question of whether or not the Constitution or Convention was agreed to at Nice and was adopted, its entry into force would relate to action taken in Committee 9 on the minimum number of ratifications, acceptances or approvals. If that number was low, he hoped that the second scenario would not arise, bearing in mind the suggestions for the date of the Conference.

3.7 The Legal Adviser, replying to the delegate of India, said that, if the Constitution had not entered into force by the date of the convening of that next Conference, the Nairobi Convention would prevail and apply; but that did not dismiss the possibility of a Protocol to that Convention being adopted in Nice, if so desired. However, if such a Protocol were not adopted at Nice, the Nairobi Convention, as now in force, would apply.

3.8 The delegate of Kenya, recalling his statement at the penultimate meeting, said there was a need for provision for an extraordinary Plenipotentiary Conference not only to deal with issues being discussed but also others which pointed to shortcomings in the Nairobi Convention. In view of the explanations of the Legal Adviser, he wondered whether it was more expeditious to concentrate on the Nice Constitution and Convention than to amend the Nairobi Convention through a treaty form, since the latter would also need to undergo accession and ratification procedures, and requested further clarification.

3.9 The Secretary-General said the soundest legal way of treating the matter was to introduce an Article on transitional provisions into the instruments being developed at Nice which would then provide for a restricted mandate and the application of the normal voting procedures in respect of the results of the study on the structure and working methods, as well as any election that became necessary. The Legal Adviser had developed a text which could be circulated; the soundest, most practical and legal way was a specialized article, perhaps Article 47, to deal with the question.

3.10 The delegate of the Netherlands said that the delegate of India had asked a clear question and the Secretary-General had given a clear answer. However, the comments of the Legal Adviser had related to aspects that had not been raised in Committee 7 and added that the Committee should only address them if required and once their outcome had been decided in the other Committees.

3.11 The Secretary-General said that the Legal Adviser had reminded him that if transitional provisions were to be introduced then they would have to be addressed somewhere. Such provisions had not been dealt with elsewhere and had been prepared by the Legal Adviser in response to comments at the previous meeting; he repeated that the approach felt to be the soundest was the introduction of a new Article and it could facilitate understanding of the description of what was involved, if the information prepared by the Legal Adviser could be issued as a document to assist delegations in the decision-making process in the present Conference.

3.12 The delegate of Japan concurred with the delegate of the Netherlands in that the discussion on the matter was out of place. Having listened to the Legal Adviser, he was of the opinion that the Protocol should be congruent with the Convention. With respect to the eventuality of the second scenario that no Constitution nor Convention were produced at Nice, that a Protocol were established to restrict the mandate of the Plenipotentiary Conference and that such a Protocol would prevail over the provisions of the present Convention, he requested the Legal Adviser to clarify the status of the Protocol in relation to the Convention and whether it could run counter to the provisions of the Convention.

3.13 The Secretary-General said he had noted some misunderstanding in one of the questions posed by the delegate of Japan which may have led to others. He and the Legal Adviser had assumed that the Conference would adopt a Constitution in the spirit of those objectives, but that some matters could not be resolved at the present time. Contrary to the delegate of Japan, they had assumed that the Constitution and the Convention would be adopted in Nice and were looking for the most solid legal base to permit the results of the unresolved issues to be considered in the appropriate way at a form of Plenipotentiary Conference. The need for a Protocol, therefore, would not arise if the suggestion of an Article were accepted as a way out of the dilemma. The potential problem lay in the effects of establishing a minimum number of ratifications for the real entry into force of the legal instrument, and that was being dealt with in Committee 9. If a low number were used as the base, then the problem of having to go back to the Nairobi Convention and a special Protocol thereto was unlikely to arise.

3.14 The Legal Adviser, in response to the delegate of Japan concerning the status of the Protocol in relation to the Convention, said that, under No. 45 of the Nairobi Convention, the Plenipotentiary Conference should "revise the Convention if it considered this necessary". The Protocol revising the Nairobi Convention by specifying certain limitations, as described earlier in an additional Article with transitional provisions of the Constitution, would not run counter to the Nairobi Convention, but

would indeed revise the latter in a certain specific and limited area. He noted that some delegations had similar ideas, contained in Document 340, which had not yet been distributed. However, in line with what the Secretary-General had said, and if to be discussed, it might be necessary for the Plenary Meeting to allocate that document to a Committee.

3.15 The delegate of India requested that the document prepared by the Legal Adviser be circulated for information in an appropriate form to all delegations so that all the legal provisions were clear and mistakes could be avoided later on.

3.16 The delegate of the United Kingdom said that in addition to the formal legal advice, the record of the relevant part of that afternoon's discussion should be made available to supplement the formal advice and that priority be given to that part of the record.

3.17 The delegate of Paraguay, referring to the terms "interim provisions" and "transitional article" asked whether the Constitution was able to contain anything of a transitional nature and queried their legal standing. In addition, he asked whether there was a provision in the Nairobi Convention on which to base the concept of an extraordinary Plenipotentiary Conference and whether the assembly was able to deal with it.

3.18 The Legal Adviser replied that any international treaty, including the basic instrument of an international organization, could have transitional or interim provisions for a certain period and that such a course of action was quite a common practice in many international treaty negotiations. Where required, such interim provisions formed part of the treaty and could even become obsolete or be amended at a subsequent conference; there was no legal problem in that respect. Secondly, there was no provision in the Convention on an "extraordinary" Plenipotentiary Conference as such, and, consequently, he had never mentioned that latter term. A Plenipotentiary Conference could be convened at a time decided by a preceding Plenipotentiary Conference and, as stipulated in No. 34 of the Nairobi Convention, that was to be "normally every 5 years". Precisely, the term "normally", however, did leave indeed some latitude to convene such a conference even earlier.

3.19 The delegate of Papua New Guinea said that on two occasions the Secretary-General had mentioned setting a suitably low number in Committee 9 for ratification to transitional articles which might or might not be developed. If the number was low for transitional basis, limiting the Plenipotentiary Conference to a very narrow agenda, there could be a danger of the next Plenipotentiary Conference starting with a divisive spirit.

3.20 The Secretary-General said that he had not qualified his comments in relation to the number of instruments as being related to the transitional provision; he had referred to the fact that one of the issues as to whether or not the new Constitution would be in force in 1991 depended inclusion in the new instrument of the figure of the number of instruments to be lodged. Committee 9, as well as the Group, had put forward various possibilities on the number of instruments to be ratified or accepted before the new Constitution of Nice came into force and he did not see that as an element of divisiveness. The problem was the number of instruments that could be expected to be received in the course of the period concerned. Consistent with the requests of the delegates of India and the United Kingdom, the draft text prepared by the Legal Adviser, as well as the relevant records of the afternoon's meeting relating to the questions answered would be published immediately.

3.21 The Chairman said that Document 340 was not yet available and that therefore discussion of the matter would be left pending.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 358-E

29 June 1989

Original: French

COMMITTEE 4

SUMMARY RECORD

OF THE

SEVENTH MEETING OF COMMITTEE 4

(FINANCES OF THE UNION)

Wednesday, 21 June 1989, at 0930 hrs

Chairman: Mr. M. GHAZAL (Lebanon)

Subjects discussed:

Documents

- | | | |
|----|--|---------------|
| 1. | Approval of the summary records of the | |
| | 4th meeting | 239 |
| | 5th meeting | 283 |
| | 6th meeting | 291 |
| 2. | Recapitulation of proposals for amendments | DT/25 (Rev.1) |
| | to the Constitution and the Convention | 352 |

1. Approval of the summary records of the fourth, fifth and sixth meetings
(Documents 239, 283 and 291)

The summary records of the fourth, fifth and sixth meetings were approved as amended.

2. Recapitulation of proposals for amendments to the Constitution and the Convention
(Documents DT/25(Rev.1) and 352)

2.1 The Chairman invited delegates to continue consideration of the Argentine proposal on No. [618] 386 of the Convention (Document DT/25(Rev.1), page 7).

2.2 The Director of the CCITT informed the Committee about talks he had had with various representatives of recognized private operating agencies (RPOA) and scientific and industrial organizations (SIO), from which it emerged that they were more and more concerned about the cost of participating in the CCI. On the one hand, they were taking part in the work of more standardization bodies than in the past, and, on the other, they were contributing a great deal to ITU exhibitions. If the ITU decided to increase their contributions, it might well be that medium-sized agencies would join forces and that in the long run only big units would be represented in the CCI.

There were some enterprises that would be ready to pay more if their financial contributions were only used for standardization.

2.3 The Chairman, pointing out that participation in the ITU was based on the principle of voluntary contributions, proposed that an appeal should be made to RPOA and SIO asking them to increase their contributions as much as they could. He stressed that the Union greatly needed resources to give new impetus to its activities, and in particular to finance the new technical cooperation organ.

2.4 The delegate of Spain said that the conditions for the participation of RPOA and SIO in the Union's work were in the process of being modified, that they were going to take part in CCI Plenary Assemblies and that the fact should be reflected in the system of contributions.

He thought that the Argentine proposal deserved consideration since RPOA and SIO were profit-making bodies and it seemed logical that their share of CCI expenditure should change. He suggested that the Administrative Council should determine each year what the relationship between the contributory units of Members and of such bodies should be.

2.5 The delegates of Burkina Faso and Nigeria shared the Chairman's viewpoint and also thought an attempt should be made to persuade the enterprises in question to choose as high a class of contribution as possible.

The delegate of Algeria noted that, according to what the Director of the CCITT had said, some agencies were in fact in a position to increase their contributions, but would only do so on condition that their money was used solely to finance standardization. A distinction should thus perhaps be made between big agencies that could pay and small ones, some of which might not be able to afford the lowest contributory unit. He stressed that if the big enterprises could pay, a floor should be fixed.

2.7 The Chairman said that the Algerian delegate's proposal was very much to the point. There were different classes of units for administrations, and a scale of units could conceivably be established for RPOA and SIO. He pointed out that some United Kingdom RPOA paid five units. Perhaps the enterprises listed in the budget could be

classified on the basis of their financial capacity, so as to establish an equitable and just system of contributions.

2.8 The delegate of Argentina stressed that his proposal would enable the ITU to get out of the present vicious circle where it took decisions but did not have the resources to finance them.

The proposal was dictated by considerations of prudence, and he referred in that connection to the Secretary-General's statement at the previous meeting. Was it prudent to do no more than appeal to enterprises' goodwill? It would be noted that Resolution No. 52 of the Nairobi Conference had not produced any results and that no extra resources would be forthcoming from Members.

As regards the possibility of distinguishing between enterprises, he was sceptical, because he did not see what the criteria for classification could be. He understood that some Members were afraid of alienating enterprises and proposed, in order to reconcile the differing viewpoints, that the Administrative Council, which already gave special treatment to administrations in difficulty, should be able to exempt small and medium-sized enterprises from the general rule applicable to RPOA and SIO. If the floor was fixed at one unit, the Administrative Council could be authorized to allow enterprises to contribute in the 1/2 unit class if they could show good reason for doing so. It would then be possible to increase the share of enterprises which could pay more, since it was known that they could.

Finally, to allay the anxiety of enterprises about the use made of their contributions, he proposed that they should be supplied with full information on the Union's expenditure.

2.9 The delegate of Morocco noted that the great majority of RPOA, SIO and international organizations (IO) chose the 1/2 unit contributory class. He had thought that there would be greater variety, since some of them could certainly pay higher contributions. It should also be remembered that the 1/2 unit class represented a tenth of Member's contributory unit.

He was in favour of the Argentine proposal but would like to add the words "subject to the control and arbitration of the Administrative Council".

2.10 The delegate of the People's Republic of China said he could support the Argentine proposal, for the reasons he had given, and similarly the addition proposed by the Moroccan delegate, which would provide a solution and make it possible to modify Resolution No. 52 of the Nairobi Conference.

2.11 The delegate of the United Kingdom said he was surprised to find that the Committee was reopening the debate on a question on which there had already been substantial discussion at the previous meeting. As to the Moroccan delegate's proposal, he did not think that it would solve the problem. RPOA, SIO and IO could not be subject to control or arbitration by the Administrative Council. All they were interested in was standardization, and if the Conference wanted them to pay greater contributions, it should not make them do so by modifying the text of Resolution No. 52, the Constitution or the Convention.

As the delegate of France had pointed out, at the previous meeting, other bodies besides the ITU were concerned with standardization, and if too much was demanded of RPOA and SIO, that might put them off the idea of working with the Union.

2.12 The delegate of the Federal Republic of Germany had some doubts about the figures in the Argentine proposal, and specifically the increase in the contribution made by RPOA, SIO and IO of the order of 6,450,000 Swiss francs. They would demand

evidence of the justification for it and he did not think that those in the 1/2 unit contribution category would move into another category. Those bodies' contribution class should depend on their size, but it would be very difficult to ask them to pay more. He thus thought that the Argentine Delegation's proposal was much too optimistic.

2.13 The delegate of the United States said he was aware that the Union needed additional resources, but thought there should be some control over the contributory units of Member States and also of RPOA, SIO and IO. For example, the least developed Member countries enjoyed special treatment, and the same method could be adopted for RPOA and SIO.

He asked what currency contributory units were to be paid in: Swiss francs, United States dollars or Deutschmarks. The approach taken by the Argentine Delegation did not seem to him very realistic.

The Committee should not forget the technical and scientific contribution that RPOA and SIO made to the Union, on which he fully associated himself with what the delegate of the Federal Republic of Germany had just said.

In conclusion, he suggested that the Union should return to the practice adopted at the Nairobi Conference. Resolution No. 52 did in fact say that RPOA, SIO and IO should be encouraged to choose the highest possible contributory class in the light of the benefits they derived.

2.14 The Director of the CCITT said that after listening to the various speakers he wished to point out that RPOA, SIO and IO were not concerned at the amount they had to pay but were anxious that what they paid should be used for standardization. It was not that they mistrusted the ITU, as the delegates of Spain and Argentina had implied, they simply had reservations due to lack of information.

Whatever the Committee might decide, those bodies should be more fully informed so that they would realize that the CCI were doing more and more work and thus really understand the costs involved in standardization.

The bodies in question were commercial organizations which wanted to see results from their investment. If they realized what was being achieved, they would be in a better position to pay contributions.

2.15 The Chairman noted that all delegates agreed that the ITU needed additional resources, whether they came from Member States, RPOA, SIO or even IO.

2.16 The delegate of France said that she was worried about the same points that concerned the Director of the CCITT. There were great risks involved in making too great demands on RPOA and SIO. It should not be forgotten that new standardization bodies had been set up. It was necessary to proceed with caution, because, as she had already said, the bodies concerned might be put off working with the Union. She was therefore against the Argentine Delegation's proposal.

2.17 The delegate of the Philippines, while accepting the Argentine proposal, suggested that contributions should be adjusted in relation to the size of the bodies concerned, whether RPOA or SIO.

2.18 The delegate of Argentina said he wished to make two points, in order to avoid any confusion. First of all, when it was proposed that the Administrative Council should review exceptional cases, the idea was that it should take a decision in the light of the different agencies' and organizations' economic situation.

On the point made by the Director of the CCITT, that what mattered to RPOA, SIO and IO was not the expenditure as such, but openness in the use of the funds, he saw no reason why the CCI should not provide them with the necessary information.

The principle adopted was that RPOA, SIO and IO should contribute more to the Union budget.

2.19 The delegate of Mali shared the concern of the Argentine delegate, but thought it would be wise to keep the present text of Nairobi Resolution No. 52, it being understood that the richest countries could increase their contributions.

2.20 The delegate of Spain considered that RPOA, SIO and IO were kept up to date on the work of the CCI and could not see that there was any lack of information. Contributory units were paid in relation to economic capacity, whether on a voluntary or otherwise basis, and the 1/2 unit figure was often more than the budgets of some organizations or agencies.

2.21 The delegate of Switzerland did not entirely agree with what the Director of the CCITT had said, namely, that RPOA, SIO and IO were not concerned about the absolute amount. For example, the Swiss enterprises found that the cost-benefit ratio was not very good, and if obliged to increase their financial contributions, they might, given the fact that other bodies besides the ITU were dealing with standardization, move away from working with the Union, which would then be the loser.

2.22 The delegate of the Netherlands fully associated himself with what had just been said by the delegates of France and Switzerland: it was essential that RPOA, SIO and IO should not lose their interest in the Union's activities.

2.23 The delegate of Indonesia noted that all delegates were agreed that financial contributions should be increased. The Argentine Delegation's proposal was a way of getting the extra resources. However, he would like provision to be made for exceptional cases to be considered by the Administrative Council, which might then permit derogations.

2.24 The delegate of Algeria said that it was not in fact for the Committee to impose conditions on RPOA, SIO, etc.

As regards the statement by the Director of the CCITT that what was at stake was not the financial question so much as information on expenditure, he did not see what the difficulty was, because the ITU reports were there to be consulted. It could be seen, moreover, that it was the big Powers that paid the biggest contributions, in the light of their economic situation.

Like the delegate of Argentina, he thought the Administrative Council should establish a classification of agencies and organizations.

2.25 The delegate of Spain, having been requested by the Chairman to find a compromise solution, said he saw three possibilities: firstly, to preserve the status quo, secondly to adopt the Argentine proposal and thirdly to find a compromise. The delegate of Romania agreed.

2.26 The delegate of Argentina considered that the compromise solution mooted by the delegate of Spain would present difficulties and asked what the implications of an increase would be.

2.27 The delegates of Canada, France, the United States, Australia, Yugoslavia, Switzerland and Saudi Arabia said they were in favour of maintaining the status quo.

2.28 The delegates of Guinea, the United Kingdom, Japan, Sweden, Jamaica and Benin said they would also prefer to maintain the status quo, but thought it would be possible to draft a Resolution similar to Resolution No. 52 of the Nairobi Conference inviting RPOA and SIO to increase their contributions.

2.29 The delegates of Spain and Argentina did not think that an appeal made in such a Resolution would yield any positive results.

2.30 The delegate of Algeria proposed, as a compromise, that the contributions of big RPOA and SIO should be raised to 1 unit. Smaller RPOA and SIO would be authorized to pay no more than a 1/2 unit.

The delegates of Indonesia, Argentina, Mexico, Guinea and Burkina Faso supported that compromise solution.

2.31 The delegate of France said that she would prefer to maintain the status quo and draft a Resolution aiming to secure an increase in the contributions of RPOA and SIO.

2.32 The delegate of Algeria said that in the end it was a matter of appealing to the goodwill of RPOA and SIO.

The Chairman proposed that a Working Group consisting of the delegates of Spain, Mali, Algeria, the United States, France, the United Kingdom, Burkina Faso and Argentina should be set up to prepare a draft Resolution.

2.33 The delegate of Argentina doubted whether a Resolution would yield the desired results and pointed out that he had already asked what delegations were present. In view of the importance of the debate, he thought the Committee should consider referring the matter to a higher forum, i.e. the Plenary Meeting. He also asked the Algerian delegate to explain exactly what his proposal was.

2.34 The delegate of Algeria said that in order to avoid any misunderstanding he would repeat that his proposal was to fix the contribution of RPOA and SIO at 1 unit, except that those from the least advanced countries would be authorized to pay only a 1/2 unit.

The meeting rose at 1300 hours.

The Secretary:

R. PRELAZ

The Chairman:

M. GHAZAL

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to
Document 359-E
28 June 1989
Original: English

COMMITTEE 8

SUMMARY RECORD
OF THE
EIGHTEENTH MEETING OF COMMITTEE 8
(PURPOSES, RIGHTS AND OBLIGATIONS)

At the end of Paragraph 3.17 on Page 11 add:

"3.18 Regarding financial implications, the delegate of the United States strongly emphasized that the financial implications for additional working language and the expansion of official languages were still unknown, that these implications should be looked at in the context of other resource requirements placed upon the Union before a decision to enshrine the additional working languages in the Constitution, that failure to do so may impair the Union's ability to adequately finance all the various requirements (e.g. conferences, technical development, staff matters, etc.) raised at this Plenipotentiary Conference, and that this matter should have been sent to Committee 4 before decision, in square brackets if necessary, so that the complete financial package could be evaluated."

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 359-E

27 June 1989

Original: English

COMMITTEE 8

SUMMARY RECORD

OF THE

EIGHTEENTH MEETING OF COMMITTEE 8

(PURPOSES, RIGHTS AND OBLIGATIONS)

Wednesday, 21 June 1989, at 1435 hrs

Chairman: Mr. M.F. DANDATO (Zimbabwe)

Subjects:

1. Notes from the Chairman of Committee 8
2. Report of Working Group 8-A (continued)
3. Report of Committee 8 Informal Group

Documents

DL/38, DL/39
332
DT/40, DT/62

1. Notes from the Chairman of Committee 8 (Documents DL/38 and DL/39)

The Committee took note of Documents DL/38 and DL/39, referring Argentine proposals ARG/155/1-21 and ARG/153/4 to Committee 7.

2. Report of Working Group 8-A (continued) (Document 332)

Draft Resolution [A] - Procedure for Defining a Region for the Purpose of Convening a regional administrative conference (continued)

2.1 The Chairman recalled that the Committee had begun considering draft Resolution [A] at its previous meeting, when it had deleted the word "specific" from the title and approved recognizing a) and b).

Recognizing c) was approved with the deletion of the word "specific" contained in square brackets. (See paragraph 2.11 below.)

Recognizing d) was approved.

Considering a) was approved with the deletion of the word "specific" contained in square brackets. (See paragraph 2.11 below.)

Considering b) was approved.

Resolves a)

2.2 The Chairman asked if the Committee agreed to approve "resolves a)" with the deletion of the word "specific" contained in square brackets.

2.3 The delegate of Argentina said that if the word "specific" was removed from the draft Resolution altogether, the Committee would be departing from the terms of its mandate, which was to decide how to define a region for the purpose of specific regional administrative conferences.

2.4 The delegate of Côte d'Ivoire, speaking as the Chairman of Working Group 8-A, expressed understanding for the previous speaker. If a distinction was to be made between the regions defined in the Radio Regulations and any region defined under the provisions of the draft Resolution, the word "specific" had to be retained. The paragraphs where it occurred should be considered together with the provisions of the paragraph "further resolves".

2.5 The delegate of Argentina proposed that the word be left in square brackets until that was done.

2.6 The delegates of Spain, Venezuela, Mexico and Cuba supported the view that the word "specific" had to be retained in order to distinguish between different categories of regional administrative conferences.

2.7 The delegate of the Federal Republic of Germany, giving an example from the discussions in the Working Group of the Plenary PL-B of the type of regional administrative conference intended to be covered by the provisions of the draft Resolution, agreed that the word "specific" or "particular" should be retained in order to distinguish such conferences from those for which provisions already existed.

2.8 The delegate of the United Kingdom proposed that, if there was no objection, the word "specific" should be reinserted in the paragraphs from which it had been deleted.

2.9 The delegate of the United Arab Emirates supported that proposal.

2.10 The delegate of Saudi Arabia opposed the idea of going back on decisions already taken on the question, and was supported by the delegate of Algeria.

2.11 The Chairman said that in the absence of any other objection, he would take it that the Committee agreed to reinsert the word "specific" wherever it had been deleted, except in the title.

It was so decided.

2.12 The delegate of Saudi Arabia reserved his position on the whole draft Resolution.

Resolves a) was approved with the removal of the square brackets from the word "specific".

Resolves b) was approved.

Resolves c)

2.13 The delegate of Côte d'Ivoire, speaking as the Chairman of Working Group 8-A, said that the three alternative degrees of agreement suggested for the definition of any proposed region by the Members of that region had been discussed at length. The requirement for all Members to agree reflected the principle of State sovereignty, which had been mentioned by the delegate of the United States. It also responded to the problem of the applicability of the decisions of a regional administrative conference, since Members would only be included in a region if they had agreed to participate in it.

2.14 The delegate of the United Kingdom added that the question had also been raised of including a reference to the establishment of a time limit for Members to respond to proposals from the Administrative Council for the definition of a region. A possible alternative to requiring total agreement to the establishment of a region would be to require the absence of any objection.

2.15 The delegate of Spain said that the requirement for all Members of a proposed region to agree to its establishment was excessive and that a majority should suffice.

2.16 The delegates of Qatar and the Federal Republic of Germany echoed that view.

2.17 The delegate of Bulgaria suggested that the need for a time limit should be met by adding the words: "within a time period determined by the Administrative Council" to the end of the paragraph.

2.18 The delegate of the United Kingdom said that the concept of majority approval raised the question whether there had to be a majority of all Members in the proposed region, or only of those who replied, in favour of the proposal.

2.19 The delegates of Algeria, Canada and New Zealand said that they favoured the requirement for two-thirds of the Members of a proposed region to agree to its establishment, and that they supported the inclusion of a time limit for Members' responses to approaches from the Administrative Council on the subject.

2.20 The Chairman of Working Group 8-A emphasized the need to make provision for non-participation, or some mechanism to deal with countries which did not respond by the deadline, since failure to do so could have an unfortunate effect, such as interference, on participating countries. There might be some way in which the Administrative Council could exert pressure on countries which did not respond, for example.

2.21 The Chairman suggested that that problem might be covered by the requirement for all members to reply in the affirmative.

2.22 The delegate of Greece said that he preferred the original text with improvement as suggested by the Federal Republic of Germany. He also supported the United Kingdom proposal that a time limit should be set by the Administrative Council. On the question of a majority, he preferred the largest possible. The proposal made by the Chairman of Working Group 8-A merited further consideration but there might be problems in defining a region from the point of view of interference.

2.23 The delegate of Mexico pointed out that as nobody could be obliged to be a member of a region, any decision would have to be taken by all the members. The idea that the Council should set a time period was a good one.

2.24 The delegates of Argentina, Lesotho, Mali, Niger and Saudi Arabia supported the idea of a two-thirds majority and of having a time limit determined by the Administrative Council.

2.25 The delegate of the United States said that his Delegation, like the Mexican Delegation, favoured the requirement for all members to respond, since a situation could arise where a country was included in a region against its will, as had already occurred in the Union. A time limit set by the Administrative Council would be preferable, although the original idea put forward by the United Kingdom regarding a negative response took account of countries being included against their will.

2.26 The delegate of Colombia agreed that a region should be defined by a response by two-thirds of the members. It was not necessary to include a time frame in resolves c), however, since in invites a), the Administrative Council was invited to take appropriate action.

2.27 The delegate of the Federal Republic of Germany agreed with the suggestion that if there was a problem, the majority would take part in the process, and supported the idea of having a time period set by the Administrative Council.

2.28 The delegate of Senegal expressed concern that the criteria for defining a region should be based on giving a country the choice of belonging to a region or not. That could create many difficulties. The criterion should rather be the sharing of a specific problem or other similar characteristics. In any event, in the interests of having a conference whose decisions would be effectively applied, it would be necessary to have all the members of a proposed region responding in the affirmative. Furthermore, consultations should have a time frame which could be set by the Administrative Council.

2.29 The delegate of the Islamic Republic of Iran said that the only realistic and workable option was the "all" option, even though it would be difficult to apply. It was also the option favoured by the IFRB. While not objecting to the inclusion of a time frame, like the delegate of Colombia, he considered it unnecessary.

2.30 The delegate of Israel preferred the requirement that all members should respond in the affirmative, and that it should be left to the Administrative Council to decide on a time limit.

2.31 The Chairman said that in view of the fact that a large majority of speakers had favoured a requirement for two-thirds of the members of a proposed region to respond in the affirmative, and that a time limit should be set by the Administrative Council, he took it that resolves c) could be approved in that way.

It was so agreed.

The square brackets around resolves c) as a whole were deleted, together with the words "a majority" and "all", and the square brackets around "two-thirds".

Resolves d)

Approved.

further resolves

Approved, with the deletion of the square brackets around "draft Constitution and draft Convention".

2.32 The delegate of Argentina reserved the right to re-open the discussion on the paragraph in the Plenary Meeting. A region could not be defined with the changes that had been made and the title as approved. The Committee was not defining a specific region but, quite simply, a region.

2.33 The delegate of Venezuela supported that view and also reserved the right to raise the matter in the Plenary Meeting. The purpose of Document DT/41 had been to define a region for specific purposes.

invites a)

Approved.

invites b)

Approved.

ANNEX A: Draft Resolution [A], as amended, was approved.

ANNEX B: Possible modification to Article 2 of the draft Constitution

2.34 The Chairman of Working Group 8-A said that Annex B was a follow-up to Annex A, and drew a distinction between plenipotentiary conferences and world administrative conferences on the one hand, where all members had one vote, and regional administrative conferences, in which only the Members of the region concerned had the right to vote. The square brackets around the whole of paragraph 10 b) implied that no decision had been taken by the Working Group.

Paragraph 10 b)

2.35 The delegate of Papua New Guinea suggested that the reference to the various types of conferences and meetings should be replaced by a reference to "different conferences of the Union". The suggestion was unsupported.

2.36 The delegate of Greece said that he had no objection to removing the square brackets, but would wish to revert to the paragraph when discussing Annex C.

2.37 The delegate of Argentina said that the last sentence of the paragraph had been proposed by his Administration and used a capital R for "region". He wished to be sure that by removing the square brackets around the paragraph as a whole, the capital R would remain, as in the Spanish text.

2.38 The delegate of the United States said that the subject of the capital R and small r had been discussed exhaustively both inside and outside the Committee, and Annex A had already been approved with a small "r".

2.39 The delegate of the United Kingdom agreed with that view, and added that the paragraph further resolves also referred to the term "regions" defined in the Radio Regulations, and Article 7 made a similar reference. In the context of paragraph 10 b), therefore, it was sufficient to refer to "region", which embraced Regions 1, 2 and 3 and any other region.

2.40 The Chairman confirmed that both Annex A and paragraph 20 b) had been adopted with a small "r", as in the English text. The Spanish text should therefore be aligned with it.

2.41 The delegate of Argentina said that if there was a difference in the language versions, he had no objection to leaving the r in square brackets and discussing it later.

2.42 The delegate of Finland said that the introduction to the section containing terms and definitions in the Radio Regulations clearly stated that the terms had a specific meaning within the Radio Regulations but not necessarily for other purposes. There was no need to take up the matter of the use of small or capital "r's" in the Convention. A region was a region and needed no further definition.

Paragraph 10 b) was approved as it stood, with the use of a small r for "region" and the square brackets deleted.

2.43 The delegate of Argentina said that he had been out of the room when the paragraph further resolves in Annex A was discussed and had had to make his reservations. However, having listened to previous speakers, particularly Mexico, and to cover all contingencies at the proper level, he proposed that the text of paragraph 10 b) should be approved as it stood up to the last sentence, which would then read "At regional administrative conferences, only the Members of the region concerned shall have a vote, and where appropriate, the Members of a region defined through the machinery established under Resolution [...] ". The purpose of that proposal was to cater for two distinct problems, the right to vote in regional administrative conferences convened in accordance with the Radio Regulations, and the right to vote of any member participating in a conference for specific purposes, the machinery for which had just been approved.

2.44 The Chairman ruled that the discussion on paragraph 10 b) could not be re-opened.

2.45 The delegate of USSR fully agreed with the Chairman's ruling. A distinction had been made between use of a capital R and a small r for the purposes of Article 8 of the Radio Regulations only, and there was no point in referring to Article 8 in the text now before the Committee.

2.46 The delegate of Canada said that his Delegation stood by its previous statement and its understanding of the use of a small r for "region".

ANNEX C: Draft Resolution [B]

Rules for attending regional administrative conferences by members not belonging to the region concerned

2.47 The Chairman of Working Group 8-A said that words had been added indicating that consultations concerning the convening of regional conferences would be held by members. Only members of the regions already established by the IFRB were entitled to vote.

The meeting was suspended at 1750 hours and resumed at 1910 hours.

2.48 The Chairman invited the Committee to discuss draft Resolution [B] in Annex C in conjunction with No. 120 of the draft Constitution in Annex D. Committee 4 had already taken a decision to make no change to that paragraph. He suggested deleting the square brackets from the whole of the draft Resolution which merely indicated that Working Group 8-A had not had time to discuss it in full.

It was so agreed.

Considering a), b) and c) were approved.

Considering d)

2.49 The delegate of the United Kingdom, speaking as a Member of the Working Group, said that it was true that No. 120 as drafted at present conflicted with considering d). The Committee had to decide whether to retain No. 120 in accordance with the decision of Committee 4, in which case considering d) could be deleted; or to accept d), in which case a consequential modification would have to be made to No. 120.

2.50 The Chairman suggested that deletion of considering d) would save time as this appeared to have general support.

2.51 The delegate of Morocco said that considering d) must be examined in conjunction with resolves c).

2.52 In response to a request for clarification from the delegate of Argentina, the delegate of the United Kingdom explained that the Working Group had discussed the subject in the light of Document 44 which explained that the Administrative Council had drawn up provisional rules for allowing Members from outside a region to attend a regional administrative conference in a purely passive role without participating in the discussion or even having access to a microphone. Such Members were not observers but merely sat in at the meeting. The draft in Document 332 had been drawn up with a view to treating observers in such a way that they would not contribute to the full cost of the conference.

Committee 4 had taken a decision to maintain No. 120 of the draft Constitution but if Committee 8 deleted considering d) of the draft Resolution, that would bring matters back to square one. It had been agreed to make provision for Members from outside a region to participate as observers and they, according to the decision of Committee 4, would contribute towards the full cost of the conference.

The Committee needed to decide whether it wished to make specific provision for the concept of passive presence considered by the Administrative Council and described in Document 44. If it did not, it could abandon the draft Resolution; if it did, it would have to amend the text of the operative part of the Resolution and return to the earlier text in Document DT/47(Rev.1).

2.53 The delegate of Colombia said that he did not approve the draft Resolution which was confusing and conflicted with some of the provisions of the Convention.

2.54 The delegates of Saudi Arabia, Argentina and Mexico proposed that the draft Resolution should be dropped.

2.55 The Chairman asked if there were any objections to that proposal.

2.56 The delegate of the United States said that he had no objection to dropping the draft Resolution but pointed out that all the work on the provision for passive presence done by the Administrative Council would have been in vain unless the Plenipotentiary Conference signalled that it should reinstate such provisions.

2.57 The delegate of Greece believed that the draft Resolution should be dropped and the matter brought to the attention of the Administrative Council.

2.58 The delegate of the Islamic Republic of Iran suggested that a Drafting Group be set up to work on the text which could be discussed at a later stage.

2.59 The delegate of the United Kingdom thought that no further action would be required of the Committee if it dropped the draft Resolution.

In response to a question from the delegate of the Federal Republic of Germany as to the cost to members from outside regions wishing to participate in a regional conference, he explained that the members of the region concerned would contribute towards the full cost of the conference whether or not they participated, in accordance with No. 120 of the draft Constitution. The consequence of Committee 4's decision was that members from outside the region participating as observers would also contribute to the cost of the conference. The question of members from outside the region participating in a passive way had not been solved and it might be that the Administrative Council's provisional rules still applied, in which case passive participants would not contribute to the full cost of the Conference but only towards documentation.

2.60 The Chairman suggested the Committee should not proceed further with its discussion of draft Resolution [B] and in view of deleting considering d), the draft Resolution could be dropped.

It was so agreed.

2.61 The Chairman indicated that Annex D is no more needed since the Committee already deleted draft Resolution [B].

It was so agreed.

He thanked the Chairman and members of Working Group 8-A, whose work had greatly facilitated the Committee's task.

3. Report of the Committee 8 Informal Working Group
Article 16 of the Constitution - Languages (Documents DT/40, DT/62)

3.1 The Chairman said that the Informal Group set up by Committee 8 to consider proposals on the extended use of official languages had held three meetings in a cordial atmosphere. The Committee's discussion had made it clear that all languages should be treated on an equal footing and that while delegations had great sympathy for the desirability of extending the use of official languages, as recognized in

Resolution No. 65 of the Nairobi Conference, there was also great concern regarding financial, technical, staff and administrative implications especially in the Union's present financial situation. It was considered an important factor that extended use of languages would enable Member countries to participate more actively in the Union's work; however, the general view was that that factor should be weighed against other priorities such as development.

The Informal Group had decided to concentrate on the various options available to meet the various concerns raised in Resolution No. 65 and following the discussion in Committee 8. The Informal Group had therefore considered what amendments would be required to the Constitution and the Convention to reflect the desirability of extending the use of official languages. It was agreed to amend Articles 16 and 19 as proposed in Document DT/62. The proposed amendments also placed languages on an equal footing, and ensured that the provisions would be incorporated in the Nice basic instrument.

It had then been agreed to address the various concerns by way of a Resolution limiting the extended use of official languages and providing for a review as the financial situation evolved. The question arose as to whether to annex the Resolution to the Convention or the Constitution.

Concerning financing, a suggestion had been made in the Informal Group that the Members concerned might consider raising their level of contribution to defray the costs involved. That approach had not been well received, since those who depended on the present three working languages would have to consider raising their contribution as well if all the languages were put on an equal footing, in which case the financing would come from the regular budget of the Union.

On the question of priorities, there was no disagreement on the need for the Finance Committee to look into the matter on the basis of accurate cost estimates and to weigh realistically the priority of languages against other priorities.

The Members involved emphasized that the minimum they would be willing to settle for would be an entrenchment of the generally-accepted principle of the extended use of official languages in the Nice Constitution and for gradual introduction of the languages concerned within the limitations of the draft Resolution.

In reply to the delegate of the United States, who asked the reason for the emphasis on extended use of languages and also why the Committee was returning to No. 124 which it had already approved without change, the Chairman said that the words "extended use of languages" were taken from the Secretariat paper and Resolution No. 65 of the Nairobi Convention, and that the reason for reconsidering No. 124 was that if the number of working languages were to be increased as proposed, the Committee might wish to revise No. 124 and obviate the need for another paragraph.

He then called for discussion on Document DT/62.

3.2 The delegate of Australia congratulated the Chairman on his excellent summary. His Delegation acknowledged the desirability of extending the working languages of the Union; however, many other desirable proposals had been presented at the Conference, particularly in the area of development assistance. His Delegation was concerned at the resource implications of the proposal. Committee 4 had to determine budget priorities, a matter which had obviously been taken into account by the Informal Group which had worked hard to produce a proposal. However, in the absence of clear information on budgetary implications, his Delegation was unable to take a decision. He asked for the papers considered by the Informal Group which perhaps included a quantification of the cost of the proposed solution to be circulated to all members of the Committee.

His Delegation had another minor concern with respect to the concept of including a provision in the Constitution while at the same time adopting a Resolution limiting the application of that provision.

3.3 The Chairman replied that the Informal Group had agreed that its proposal was a matter for Committee 4 to weigh up against other priorities. The details on financial implications had been contained in the DL documents (limited distribution) and he had no sanction for having it reproduced in numbers large enough for circulation to all members of the Committee.

3.4 The delegate of the Netherlands endorsed the views of the Australian delegate. His Administration was not in a position to take a decision on the document at that stage.

3.5 The delegate of Saudi Arabia observed that the question of financial implication was the main argument employed by those who wished to counter the proposal for extended use of official languages. The Informal Group had in fact considered the financial implications. The principle of equality had to be adopted and financial implications could not be accepted as a standing pretext to delay the introduction of the proposal.

3.6 The delegate of Qatar said that Document DT/62 contained a modest but acceptable proposal which took into account the views of all concerned. Unfortunately members of the Committee were now putting forward familiar negative arguments. Document DT/62 deserved a chance of being discussed and accepted.

3.7 All delegates who spoke in the ensuing debate congratulated the Chairman on the way in which he had handled a delicate subject and expressed their appreciation of the document (DT/62) produced by the Informal Working Group, which provided a satisfactory basis for discussion.

3.8 The delegate of the USSR said that all delegates who had participated in the discussions, both earlier in the Committee and in the Informal Working Group, had expressed considerable sympathy for the use of Russian, Arabic and Chinese as working languages. No-one had opposed the principle of such use and the only argument produced to counter it had been that of financial implications. He pointed out that in the annex to Document DT/62 those languages were treated on an equal footing with the others in the proposed amendment to Article 16. The fact that there were financial implications was clearly reflected in the proposed draft Resolution which was entitled "Limitations in usage of working languages". Nevertheless, although the question of financial implications was constantly being raised, he pointed out that the introduction of one additional working language would cost the same as the Union was currently spending on each working language. If Document 40 was considered, it would be seen that substantial sums were available and he was sure that with a little goodwill a solution could be found which would make it possible to cover the essential uses of the proposed new working languages.

3.9 The delegate of Niger, endorsing the proposed draft Resolution (DT/62), said that it was a false argument to suggest that money would not be available for technical cooperation if it were diverted to the introduction of additional working languages.

3.10 The delegate of Spain said that if ADD 124A to Article 16 was considered, it would be seen that the cost increases which were of such concern to a number of administrations were not so great, since interpretation into the six languages was already provided for Plenipotentiary Conferences and CCI meetings. He endorsed the draft Resolution in principle and suggested that the Committee should consider its drafting in detail.

3.11 The delegate of China, pointing out that some one-third of the world's population at present used the Russian, Arabic and Chinese languages, said that the ITU should establish the principle of fair and equal treatment for them as was traditional in the United Nations and some of its specialized agencies. Their use in technical standards would clearly be beneficial to the development of telecommunications. He pointed out that the cost which would be incurred by the introduction of Chinese, Arabic or Russian as a working language would be barely as much as that currently used for each of the other working languages. He therefore urged the Committee to approve the draft Resolution in Document DT/62.

3.12 The delegate of Bulgaria, endorsing the draft Resolution, said there was no need to fear that it would be in contradiction with an international instrument, since its main provisions were already embodied in Resolution No. 65 of the Nairobi Convention.

3.13 The delegate of Thailand, expressing support for the draft Resolution, suggested that the report mentioned in the instructions to the Secretary-General and the Administrative Council should give factual data regarding the associated costs of the preparation of documents in the languages mentioned. With technological advances in computers, software, new printing methods and possibly interpretation machines, such costs might be reduced to an acceptable level when compared with the benefits which would accrue from the expanded use of the languages.

3.14 The delegates of India, Syria, Colombia, Indonesia, Ukrainian Soviet Socialist Republic, Kuwait, Algeria, Morocco, Oman, the German Democratic Republic, Bahrain, Sudan, Mali, Mongolia and Czechoslovakia strongly endorsed the draft Resolution and commended its adoption by the Committee as a significant step forward in achieving the principle of equality of treatment for the expanded use of languages within the Union.

3.15 The delegate of the United Kingdom, supported by the delegates of France, the United States and Finland, while expressing his sympathy with the goals of the draft Resolution, questioned whether a Resolution could legally qualify a substantive provision of the Constitution, and pointed out that it was necessary, for the benefit of Committee 4, to identify the costs of any proposals with substantial financial implications, and to establish priorities. He further pointed out that if all documents were to be translated into six working languages during a conference, that would impose an almost impossible task on an already over-burdened Editorial Committee.

3.16 The delegate of the USSR said that, while he was not a legal expert, it was his view that Resolution No. 65 of the Nairobi Convention qualified and broadened the application of Article 16 of the Convention and there was no reason why another Resolution should not do the same.

3.17 The Chairman, summing up the discussion, said that in his view majority support had been expressed in the Committee for the compromise solution presented in Document DT/62.

A draft Resolution therein as well as modifications relative to Article 16 of the draft Constitution and Article 19 of the draft Convention had been approved by the Committee.

It was so agreed.

3.18 The delegates of Australia, Austria, Canada, Finland, France, Japan, Netherlands, New Zealand, Norway, Sweden, Switzerland, the United Kingdom and the United States entered their Delegations' reservations in respect of the draft Resolution pending clarification of its legal aspects and financial implications.

The meeting rose at 2210 hours.

The Secretary:

D. SCHUSTER

The Chairman:

M.F. DANDATO

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 360-E

21 September 1989

Original: English

PLENARY MEETING

MINUTES

OF THE

SIXTEENTH PLENARY MEETING

Tuesday, 20 June 1989, at 0940 hrs and at 1445 hrs

Chairman: Mr. J. GRENIER (France)

Subjects discussed:

Documents

- | | | |
|----|--|--|
| 1. | Organization of work | - |
| 2. | Oral report by the Chairman of Committee 7
on the options for the International
Consultative Committees: deadline for
candidacies for Directors of the CCIR and CCITT | - |
| 3. | Oral report by the Chairman of Committee 7
on the options for the IFRB: deadline for
candidacies for members of the IFRB | - |
| 4. | Oral report by the Chairman of Committee 7
on the options for the Administrative Council:
deadline for candidacies for Members of the
Administrative Council | - |
| 5. | First report by the Chairman of Working Group PL-B
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| 8. | Draft Resolution concerning the occupied Arab
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- | | | |
|-----|--|-------|
| 9. | Exchange of and access to information: referral to Committee 7 | DT/52 |
| 10. | Oral reports by the Chairmen of Committees on the progress of their work | - |
| 11. | Candidature for the Directorship of the new permanent development organ: question by the delegate of Côte d'Ivoire | - |

1. Organization of work

1.1 The delegate of Algeria proposed that the results of the discussions of the informal Contact Group convened by the Chairman of the Conference be made available before the reports by the Chairman of Committee 7 on the options for the CCIs, the IFRB and the Administrative Council, the deadline for candidacies and dates of election were discussed by the Plenary. The delegate of Saudi Arabia supported that proposal.

1.2 The delegate of Indonesia, supported by the delegates of Senegal, Niger, Nigeria and Tanzania proposed that the Plenary should first discuss the oral report by the Chairman of Committee 7 and then set the deadlines and a provisional timetable for elections, conditional on the results of the informal group. The delegate of Niger further suggested that the Chairman of the informal Contact Group and the Chairmen of Working Group 7 ad hoc 2 should both present oral reports to the Plenary on the progress of their discussions.

1.3 The Chairman said that in view of the very difficult situation that prevailed in the Conference, he had undertaken discussions with a small Contact Group to see whether a comprehensive approach to the problems under discussion in various Committees could yield a solution acceptable to all Members of the Union. As all delegations in their inaugural statements had promised their fullest support for the success of the Conference, he was still hopeful that a consensus might be reached. At present, however, he was not in a position to report on any agreement, which in any event could only be an informal one.

1.4 The Secretary-General said that from the procedural point of view the Conference had adopted a programme of work including the elections which, in accordance with the advice of the Steering Committee, were scheduled to take place in Plenary on Friday, 23 June. Working backwards, some forty-eight hours were needed to advise administrations that deadlines had been set for candidatures, including those for election to the Administrative Council. Time was then needed to reproduce the results so that the elections could take place on time. It was fundamental therefore that the Plenary Meeting should at least set the deadlines for candidacies, subject to further consideration by the Conference, and that the Secretary-General be given the opportunity of advising the Members of the Union accordingly. If that decision were not taken forthwith, the elections scheduled, would be deferred until the middle of the following week at a time when the Plenary should be reading and adopting its definitive texts. Interruptions in the work of the Conference at that time would be unfortunate. He therefore suggested that the Plenary Meeting should proceed with its discussions on the reports by the Chairman of Committee 7 on the options for the International Consultative Committee, the IFRB and the Administrative Council, and take decisions on a provisional basis to enable the Secretary-General to inform the Members in accordance with the usual procedure. As the delegate of Indonesia had stated, the provisional dates could be reviewed when the reports called for became available.

1.5 The Chairman, in the light of that statement, suggested that the Plenary should confine itself to the reports by the Chairman of Committee 7 and the deadlines for candidacies, in line with the proposals made by the delegates of Indonesia and Senegal.

It was so agreed.

2. Oral report by the Chairman of Committee 7 on the options for the International Consultative Committees: deadline for candidacies for Directors of the CCIR and CCITT

2.1 The Chairman of Committee 7 said that Committee 7 had held regular meetings to study the process for change in the structure and functioning of the Union. There had been a clear majority in favour of an in-depth comprehensive study on the structure, working methods, financial aspects, etc. not only of the CCIs as originally proposed but of the Union as a whole including all its permanent organs. Committee 7 had reached a consensus that the study should have no predetermined aim apart from efficiency and effectiveness on the part of the ITU in discharging its duties. Almost everyone had emphasized the need for mechanisms to ensure the objectivity of the study and to that end a consensus had been reached that the study should be carried out by a high level committee representing the Members of the Union and that outside consultants should also be brought in. There had also been agreement that a Plenipotentiary Conference should take decisions on structural matters, although it had been pointed out that the CCI Plenary Assemblies and the Administrative Council could take decisions regarding changes in matters within their mandate.

In the course of discussions, there had been widespread support for the original proposal by the Federal Republic of Germany in its Document 97 which also contained a suggestion that a high level committee should be created to study and make proposals for change in the structure, finance, organization and staffing of the Union as well as proposals for a conference in 1991. Most delegations had been in favour of that study, its time-frame and its approach, being used as a basis for future work. Committee 7 had therefore decided to set up a Drafting Group, (Working Group 7 ad hoc 2), chaired by Mr. Venhaus of the Federal Republic of Germany, to prepare a draft Resolution for submission to Committee 7 defining the terms of reference for the review of the structure of the Union, and proposing that the outcome of such a review be considered by a future Plenipotentiary Conference which would take the necessary decisions. A majority of delegates participating in the discussion had been in favour of a Conference in 1991 but a number of others had preferred a later date. The terms of reference of the Drafting Group had been to base its work on Document 97 and to complete its work as soon as possible. The Group had held its first meeting the previous evening.

A series of options had been established in Committee 7, although no final agreement had been reached on the overall conduct of the study, including whether the high level committee should be appointed by the Plenipotentiary Conference or by the Administrative Council. Similarly, on the convening of the Plenipotentiary Conference to consider the outcome of the study, 22 delegations had been in favour of 1991, eleven delegations had preferred the next regular Plenipotentiary Conference planned for 1994 and ten delegations had been in favour of either 1991 or 1992. Further discussion was therefore needed to reach an agreement. In that context, the number of terms of office of the Directors of the CCIs had been discussed. The Legal Adviser, drawing attention to No. 323 of the Nairobi Convention, had given his opinion in the course of one meeting, which was that the Nairobi Plenipotentiary Conference had already confined to two the terms of office of the Directors of the CCIs, of the Deputy Secretary-General and of the Secretary-General. Starting with the Nice Plenipotentiary Conference, therefore, those officers could only be re-elected once more at the next Plenipotentiary Conference. That intention was confirmed in the minutes of the Nairobi Conference and endorsed by a large majority of speakers in Committee 7. In addition, neither the Nairobi Convention nor Additional Protocol No. 6 thereto contained any

provision whereby election at the Plenary Assemblies of the CCIs affected the re-eligibility of the two CCI Directors at the Nice Plenipotentiary Conference. There had been a large majority of delegates in agreement with that position in Committee 7. It had also been widely agreed that there should be an explicit limit, as proposed by Hungary, Algeria, Canada, Brazil, Nigeria and China and amended by Mexico. In accordance with the Nairobi Convention, therefore, incumbent Directors were entitled to be elected at the Nice Plenipotentiary Conference with possible re-election at the next Plenipotentiary Conference. A full term of office did not mean a given number of years but the period of time between one Plenipotentiary Conference and the next.

2.2 The Chairman proposed that the deadline for the receipt of candidacies for the posts of Director of the CCIR and Director of the CCITT should be Wednesday, 21 June 1989 at 2100 hours.

It was so agreed.

2.3 The Chairman said that a telegram would be despatched forthwith informing Members accordingly.

3. Oral report by the Chairman of Committee 7 on the options for the IFRB; deadline for candidacies for members of the IFRB

3.1 The Chairman of Committee 7 said that at the end of the previous week it had been agreed in Committee 7 that the number of members for election to the Board at the Nice Plenipotentiary Conference remain at five, but no decision had been taken on the limit for the election of members. It was to be hoped that some progress would be made at the meeting later in the day on that subject, on the basis of proposals made, inter alia, by Hungary, Algeria, the United Kingdom, Ethiopia, Canada, Nigeria and China. It was also expected that a Drafting Group would be set up at the same meeting to outline the new permanent organ for development.

3.2 The Chairman proposed that in view of the agreement in Committee 7 to keep the number of members of the IFRB to five, the deadline for the receipt of candidacies for members of the IFRB should also be Wednesday, 21 June 1989 at 2100 hours.

It was so agreed.

3.3 The Chairman said that the Members of the Union would be informed accordingly.

4. Oral report by the Chairman of Committee 7 on options for the Administrative Council; deadline for candidacies for Members of the Administrative Council

4.1 The Chairman of Committee 7 explained that he had not prepared his report on options for the Administrative Council, since it had not appeared on the Plenary agenda the previous day. The matter had been on the agenda of the previous day's meeting of Committee 7 together with a consolidated document for discussion. He therefore felt that it should be given higher priority at the Committee's next meeting. The difference between positions was not too great, but proposals had been submitted by Portugal, Chile and Guinea regarding a rotational system. He would report to a later Plenary Meeting on the results obtained.

4.2 The Chairman said that even though Committee 7 still had some work to do on the options for the Council, in order to meet administrative deadlines, and without prejudice to the future composition of the Council, he would suggest that the deadline for receipt of candidacies for Members of the Administrative Council should also be Wednesday, 21 June 1989 at 2100 hours.

It was so agreed.

4.3 The Chairman said that a telegram would be sent to administrations accordingly.

4.4 The delegate of Japan asked when the Plenary was going to decide on the date for the election of the Directors of the CCIs, members of the IFRB and Members of the Administrative Council.

4.5 The Chairman replied that agendas were prepared by the Chairman on the proposal of the Secretary-General. Draft agendas would therefore be prepared including items concerning the elections in question, and they would be discussed and adopted at the beginning of each Plenary Meeting in the usual way.

5. First report by the Chairman of Working Group PL-B to the Plenary Meeting
(Document 336)

5.1 The Chairman of Working Group PL-B said that due to a very tight schedule, it had not been possible to approve the report in the Working Group and it therefore represented his understanding of the conclusions reached by that Group.

The Group had considered proposals from administrations as well as the relevant Resolutions and Recommendations of the three major conferences: HFBC-87, MOB-87 and ORB-88, the principles in the draft outline programme of major conferences and meetings for 1990-1994 (Document 41(Rev.1)) and other relevant documents. A draft Resolution on the future conference schedule was contained in Annex 1 to the report. In that Resolution, decides 1.5 contained the date 1993 in square brackets, and both date and brackets should be deleted.

Discussions in the Group had been very difficult in view of the Recommendations and proposals for a world administrative radio conference in 1992, both for re-allocation purposes and for planning and other matters, and it was not practicable to satisfy all requirements by holding a combined conference. Given the Recommendations issued by the three conferences already referred to, particularly concerning increased capacity in the HF bands which would increase the possibilities of successful planning, it had been decided that it would be logical to hold a limited re-allocation conference first, in 1992, with a world administrative radio conference to deal with matters related to the HFBC service in 1994. That date had been placed in square brackets in the report in view of the alternative proposals for 1993. 1994 would however remain in line with the draft outline programme of conferences issued by the Administrative Council, and would not exceed the proposed budgetary allocations.

The Group had recommended that the next ordinary Plenipotentiary Conference should be held in 1995 or 1994, respecting the periodicity provided for by the Nairobi Convention. The question of an additional Plenipotentiary Conference in 1991 was being discussed in Committee 7. One option not discussed in Working Group PL-B but possibly worth considering was to hold that additional Plenipotentiary Conference immediately preceding or following the WARC in 1992. That would stay within the eight week limit allowed for a WARC in 1992 in Document 41. There would then be no conference in 1993, and the planned HFBC conference would take place in 1994 with the next regular Plenipotentiary Conference being held in 1995. The Group suggested that no further conferences should be included in the period 1990 to 1994.

No agreement had been reached on the Regional Administrative Conference for the planning of the broadcasting service in the VHF and UHF bands in Region 3, but proposals for and objections to that Conference had been made by Region 3 countries. There had also been proposals for a WARC to replan the Aeronautical OR services (the

Appendix 26 Plan) but it had been agreed that a procedural approach could be used instead whereby the IFRB could be instructed to take certain steps towards satisfying administrations' requirements: a minor modification to the Radio Regulations could then be made by another WARC, possibly in 1992, to take care of the necessary procedure. A draft Resolution to that effect was contained in Annex 2 to the report.

The subject had been a very complicated one and it had not been possible to discuss all options in full. In addition, in view of the lack of time, a number of minor matters had not been covered. They included proposals for the establishment of panels of experts for various purposes connected with the work of major administrative conferences and IFRB seminars. However, those matters would be discussed at the Working Group's next meeting later in the day.

5.2 On the Chairman inviting the Committee to consider the report, a lengthy discussion took place on the relative timing of the two conferences referred to in paragraphs "decides" 1.4 and 1.5 of the draft Resolution in Annex 1.

5.3 The delegates of India, Mali, Senegal, China, Indonesia, the Islamic Republic of Iran, Pakistan, Morocco, Ethiopia and Saudi Arabia considered that the HFBC-WARC should be held before the frequency reallocation WARC. It should be convened not later than 1992 in view of the fact that the special IFRB effort to upgrade the software to be adopted by that Conference to facilitate planning in the bands concerned was expected to be completed in 1991. The results of such a conference were vital to all developing countries; delay in convening it would cause them considerable inconvenience and expense and result in unavoidable expense for the Union. The delegate of India said that, in any case, reallocation would not solve the problem of insufficient band capacity for the HFBC service. That could only be done by developing and applying the appropriate software. The delegate of Indonesia suggested that the time required for the HFBC-WARC to complete its work could, if necessary, be reduced.

5.4 The delegates of the Netherlands, Australia, the USSR, the United Kingdom, the German Democratic Republic, New Zealand, Italy, the Federal Republic of Germany and the United States said they considered the timing proposed for the two conferences by the draft Resolution to be correct. If the next HFBC Conference, unlike the two previous ones, was to be successful, careful preparation was necessary. It was thus logical to embark on work to increase the band capacity before any planning was carried out. That procedure would make the best use of the resources available to the Union.

5.5 The delegate of Spain noted that the phrase "(Spain, 1992, 6 weeks)" at the end of paragraph "decides" 1.4 would be more appropriately placed at the end of the first sentence in that paragraph.

5.6 The delegate of the USSR, supported by the delegate of the German Democratic Republic, said the sub-items a) and b) of paragraph "decides" 1.4 would unnecessarily add to the workload of the frequency reallocation conference and should be deleted. The delegate of the United States considered that it was important to retain 1.4 a); although it was not specifically mentioned in the Resolutions and Recommendations referred to in the first sentence, it did address important related matters. The delegate of New Zealand recalled that as well as the major issues, the Resolutions and Recommendations from the conferences listed covered other points that the frequency reallocation conference would need to address.

5.7 The delegate of Australia said, with respect to the conference programme, that consideration should be given to holding in 1992 a frequency reallocation conference as well as a CCITT Plenary Assembly. Since as far as administrations were concerned, the resources required came from different sources, the concern about holding two meetings in one year did not apply.

5.8 The Chairman of Working Group PL-B said that strong and opposing views had been expressed in the Working Group about the relative timing of the two conferences. A decision would have to be made to give priority to one or the other since, unfortunately, a compromise was not possible. In addition to the need to increase the capacity of the HFBC bands, another reason for holding a frequency reallocation conference as soon as possible was the urgent need to meet the needs of the mobile and satellite-mobile services in the 1-3 GHz frequency band. A further practical consideration was that an invitation had been received from the Spanish Administration to hold the 1992 Conference in Spain; it was not feasible to hold a planning conference outside Geneva because of the need for extensive use of the IFRB computer facilities during the planning process.

5.9 In a discussion on paragraph "decides" 1.3 in the draft Resolution in Annex 1, the delegates of the Netherlands, the USSR, the United Kingdom, the German Democratic Republic and New Zealand noted that convening of such a conference was still under discussion elsewhere in the present Conference. It would thus be premature to include it in the programme of work for the present. The delegate of the USSR said the position in the discussions taking place in Committee 7 appeared to be that a date should not be set for such a conference but that the decision should be left to the Administrative Council in the light of the progress of work on the study. That was his understanding only, since, contrary to the provisions of the Convention, the relevant summary records of the discussions in Committee 7 had not yet appeared and only oral reports had so far been made.

5.10 The delegates of Indonesia, Ethiopia and Zambia considered that the provision for a Plenipotentiary Conference in 1991 should not be removed from the draft Resolution but kept in square brackets for the present. The delegate of Zambia said the matter would perhaps be clarified if in the body of the report, in paragraph 8, first sentence, the words "the next ordinary Plenipotentiary Conference should be held" were replaced by "the next Plenipotentiary Conference should ordinarily be held", and, in the second sentence, the words "an additional Plenipotentiary Conference" should be replaced by "an earlier Plenipotentiary Conference".

5.11 The delegate of the Federal Republic of Germany suggested that it should be left to the Administrative Council to set the date for the Plenipotentiary Conference foreseen in paragraph "decides" 1.7 in Annex 1 since it would depend on the ultimate decision on paragraph "decides" 1.3. Should the present Plenipotentiary Conference achieve a satisfactory Constitution and Convention and an earlier Plenipotentiary Conference decide on structural issues, the Plenipotentiary Conference scheduled for 1994 or 1995 ought to be able to complete its work in three to four weeks.

5.12 In a discussion on paragraph decides 1.6 of the draft Resolution in Annex 1, the delegate of Mali said that regional conferences for development, as described in Document 33, should also have been considered under the heading of regional conferences. The delegate of Indonesia considered that the proposed Region 3 conference should be kept in the conference programme to allow the option to be taken up if needed. The delegate of the Islamic Republic of Iran considered not only that the Region 3 conference should be retained in the programme but that it should be convened in 1994. The delegate of the USSR, while recognizing that the holding of a Region 3 conference was a matter for the administrations of that region, suggested that the words "and certain countries in Region 1" should be added after "Region 3" in the third line. The delegate of New Zealand said that work had been carried out in the CCIR with

regard to a conference on sharing criteria for the fixed, mobile and broadcasting services in Region 3. A circular-letter sent previously to all administrations in Region 3 on the subject of such a conference had received no substantive response. He therefore doubted the need for a Region 3 conference and noted that the wording in paragraph 1.6 did not make the scope of the proposed conference clear; until there was a clear understanding of what was to be considered and agreed upon at such a regional conference no deployment of Union resources on it would be justified.

5.13 In a discussion on the draft Resolution in Annex 2 of Document 336, the delegate of the USSR said that while he recognized the economic justification for asking the IFRB to review the frequency bands covered by Appendix 26 of the Radio Regulations he was concerned that a precedent might be set by the draft Resolution for the IFRB to review the decisions taken by a WARC. In particular, with reference to paragraph instructs the IFRB 2) he found it disturbing that the Board might only take the views of administrations into account where "practicable". The delegates of Italy and the German Democratic Republic shared those views; the former expressing reservations about any obligation on administrations to make frequency changes under arrangements drawn up by the Board but not formally approved by Members, and the latter suggesting that the matter should be settled by correspondence between administrations and the Board.

5.14 The delegate of Morocco endorsed the draft Resolution in Annex 2.

5.15 The delegate of the Federal Republic of Germany said he could support Annex 2 in principle, bearing in mind the fact that it would be the WARC planned for 1992 that would be asked to make any necessary modifications to Article 12 to take account of the Board's work.

5.16 The Chairman in view of the great variety and divergence of the views expressed suggested that Working Group PL-B should at its next meeting continue its examination of the future conference programme.

It was so agreed.

The meeting was suspended at 1250 hours and resumed at 1445 hours.

6. Fourth report of Committee 4 to the Plenary (Document 304)

6.1 The Chairman of Committee 4 said that the Committee had examined the Secretary-General's report on the ITU publication policy (Document 24) and had approved nearly all the proposals contained therein. Thus, it had accepted the proposals on users' needs, the possibility of producing publications on media other than paper, and had recognized the special needs of developing countries, with respect to issuing certain publications at low prices. It had decided, however, that the present costing and pricing practices should be maintained, and had not accepted the proposal that the costs of master copies of publications be transferred to the ordinary budget. It had also not accepted the proposed transfer of certain costs from the Supplementary Publication Account to the regular budget. The Committee had emphasized the need for a dynamic marketing approach to secondary distribution, and had endorsed the need for copyright protection of ITU publications. With regard to the ITU publication policy, Committee 4 considered that the present practice of assembling all costs and income relating to the ITU publications in a Supplementary Publication Account should be maintained and that the account should continue to be self-balancing. It further recommended that the Secretary-General, in collaboration with the Administrative Council, should adopt a responsible pricing policy to achieve the aim of stabilizing the costs of printed publications.

With regard to the IFRB Weekly Circular, the Committee had concluded that the method under which that publication was accounted for in the Supplementary Publication Account along with all other ITU publications should remain unchanged and that every administration should continue to receive one free copy of the Circular, while other copies must be paid for and must, as far as possible, be priced so as to cover the costs of all free copies. Finally, the Committee recommended that the Plenipotentiary Conference should invite a future WARC to review the balance of advantages and disadvantages, together with the financial implications, of any change in the periodicity of issue of the IFRB Weekly Circular.

The Plenary took note of that report and agreed with the recommendations made.

7. Sixth series of texts submitted by the Editorial Committee for first reading (B.6) (Document 315)

Resolution No. COM5/4

7.1 The Chairman of Committee 10 said that the blank space in square brackets in resolves 1 would be filled in when the date in question was decided upon.

7.2 The delegate of Pakistan asked for some clarification of the words "IFRB (for the Board as a whole at the discretion of the Chairman)" at the end of further resolves.

7.3 The Secretary-General replied that that traditional procedure had worked well in practice over the years, with the annual rotation of chairmanship.

Resolution No. COM5/4 was approved.

7.4 The Secretary-General said that the text of the Resolution should be kept in abeyance for second reading until decisions had been taken concerning the Director of the Telecommunications Development Bureau.

Resolution No. COM5/5

Resolution No. COM5/5 was approved.

The sixth series of texts submitted by the Editorial Committee (B.6) was approved on first reading.

8. Draft Resolution concerning the occupied Arab territories (Documents 13 (proposal 6), 15 (proposal 6), 312(Rev.3) and 314)

8.1 The Chairman drew attention to the documents before the Plenary and invited the delegate of Saudi Arabia to introduce the draft Resolution in Document 312(Rev.3).

8.2 The delegate of Saudi Arabia said he would have thought that the delegates of Qatar and Syria would have been given an opportunity to introduce their proposals in Documents 13 and 15, respectively. The gist of those proposals had been incorporated in the draft Resolution, which he indicated he would proceed to introduce. He then made the following statement:

"On behalf of the Arab Group and the Asian and African States signatories of Document 312(Rev.2) containing a draft Resolution concerning the condemnation of Israeli practices and violations in Palestine and the occupied Arab territories, I am

introducing this draft Resolution, which is based on the provisions and principles of the International Telecommunication Convention (Nairobi, 1982), as well as on peaceful relations and cooperation with a view to the development of telecommunications, which play an important role in the achievement of economic and social progress.

Moreover, this text takes account of Resolution No. 48 of the International Telecommunication Convention (Malaga-Torremolinos, 1973), concerning the destruction of the means of telecommunication of the States Members of the ITU.

This draft Resolution likewise refers to Resolution No. 74 of the International Telecommunication Convention (Nairobi, 1982), concerning the vigorous condemnation of Israel for its destruction of the means of telecommunication and its violation of international law, and for the massacres of very numerous Palestinian and Lebanese civilians.

This draft Resolution refers also to Recommendation No. 1 of the Nairobi Convention of 1982 concerning the unrestricted transmission of information.

I hope, Mr. Chairman, that this draft Resolution will receive the approval and support of this august Plenipotentiary Conference.

Mr. Chairman, despite the time which has elapsed between the Nairobi Conference in 1982 and the present Conference, Israel perpetuates its violation of the spirit and the letter of the provisions of the International Telecommunication Convention through the deliberate and repeated stoppage of telecommunications in the Palestinian and other occupied Arab territories. By way of example, I shall refer to only two dates: 16 March 1988, when Israel cut off telephone communications with the outside world throughout the region of the occupied West Bank and Gaza strip, and 15 May 1989, i.e. shortly before our Conference, when it broke off telephone communications in the Gaza strip and on the West Bank. This confirms its failure to respect any international convention in the field of telecommunications.

This deliberate and repeated stoppage of means of telecommunications by the Israeli occupation authorities is intended to deprive the Palestinian people of their right to communicate and to deprive the international community of its right to be informed of the policy perpetrated by these authorities, which consists in the systematic killing of Palestinians, in breaking the limbs of innocents, including children, and inflicting upon them a life-long disability.

We shall not speak of collective arbitrary detention, deportation, the destruction of houses, of hindrances to care given to the sick and injured and the closing of various Palestinian institutions.

All these practices are flagrant breaches of the principles of international law, human rights and of the Geneva Convention of 13 August 1949 concerning the protection of civil populations in time of war, which apply to Palestinians, the occupied Palestinian territories and other occupied Arab territories.

These practices do not differ from those perpetrated by the racist regime in South Africa. It is superfluous to refer here to the cooperation between these two regimes in various areas.

Our august Conference has adopted a Resolution for the exclusion of South Africa from participation in all Union conferences and activities. It is therefore quite fair and reasonable that this Conference should adopt a Resolution condemning the injustice inflicted upon the Palestinian people and which reigns in the other Arab territories occupied by Israel.

This draft Resolution is submitted for your approval."

8.3 The delegate of Mali supported the draft Resolution, of which his Delegation had become a co-sponsor, for all the reasons stated by the delegate of Saudi Arabia. It was to be hoped that the Conference would take all those considerations into account and would lend its support to the Arab people of Palestine in their legitimate struggle to regain the occupied territories so that justice would prevail.

8.4 The delegate of Qatar agreed with the delegate of Saudi Arabia that delegations which had submitted proposals should be allowed to introduce them. That delegate's statement fully reflected Qatar's views on the subject, and his Delegation trusted and hoped that the draft Resolution would be adopted.

8.5 The delegate of Syria also agreed that the authors of proposals should be allowed to present them. He too hoped that the draft Resolution would be adopted, so that justice and equity might prevail.

8.6 The delegate of Afghanistan said that his Delegation fully supported the draft Resolution. Afghanistan resolutely condemned the policy of repression, slaughter and violation of fundamental human rights practised by Israel in the occupied Arab territories against the heroic people of Palestine, to whom it wished every success in their legitimate struggle.

8.7 The delegate of Spain made the following statement:

"On behalf of the 12 States Members of the European Community, I should like to take the floor very briefly on this point to comment on the draft Resolution contained in Document 312(Rev.3).

The 12 States Members of the European Community feel that there is a contradiction in the text of the Resolution, in that it condemns the restriction of the freedom of information and the free use of telecommunication media before any fact-finding committee has actually reported its conclusions.

Furthermore, consideration of this type of problem exceeds the specific technical scope of this Conference and falls outside the purposes of our organization.

Finally, the community regrets the failure to hold any previous consultation, in which it would have readily participated, for the purpose of preparing this text."

8.8 The delegate of the United States made the following statement:

"My Delegation would like to express its strong opposition to this Resolution. We intend to vote against this Resolution and encourage other Members to do the same.

The text which is before us now is unbalanced and condemnatory in nature. Resolutions of this nature, which contain harsh and one-sided attacks on other Member States have no place in the International Telecommunication Union.

My Delegation regrets that valuable time, which should be devoted to substantive telecommunications issues, is being spent on narrow political issues. The spirit, thrust and tone as well as the specific text of this Resolution are political in nature and touch on matters that go far beyond legitimate issues of telecommunications. Clearly this document is outside the scope and purview of this Conference.

The Resolution is contradictory and inconsistent. While it purports to 'ascertain the facts' on the telecommunications situation in the region, the document asserts negative conclusions before even attempting to ascertain such facts.

The Government of Israel has acknowledged that the international telephone service in the occupied territories was severely restricted from April 1988 until January 1989. The Government of Israel contends that this action was taken for security reasons in accordance with international law.

We recognize that there has been international concern about this issue. The United States shares these concerns and has not been silent about the restrictions imposed on the inhabitants of the occupied territories. Our human rights report on the occupied territories pointed out the suspension of the international telephone service.

Since the international telephone service was restored in January 1989, we have urged that this service be maintained. In April of this year I visited and inspected telecommunications facilities in the occupied territories. I had extensive and frank discussions with Palestinian managers and operators of these installations. No Israeli Government officials were present during these meetings. The Palestinian officials personally assured me that the international telephone service had been restored and was now fully available to all residents. Since the telephone service is now operating normally in the occupied territories we see no need to address this issue in the Resolution.

Mr. Chairman, we also are disturbed that Document 312 sets an unfortunate precedent by calling for involvement by the Administrative Council in this issue. For the next several years the Administrative Council will be responsible for coordinating a major and critical study of the overall working of the ITU. The results of the study will be the basis for guiding the ITU, as a pre-eminent multilateral forum for telecommunications into the next century. It is important that nothing divert the attention of the Administrative Council from this substantive mandate.

In the first few day of this Conference, the Delegation of Israel expressed its readiness to receive a group of ITU Secretariat officials to look at telecommunications in the occupied territories. Unfortunately, it appears from the document before us that some Members are more interested in political propaganda than in receiving a first-hand and impartial report from ITU experts. By expressing alleged telecommunications violations as firm conclusions and by using such allegations to condemn a Member State in a biased and inflammatory way, Document 312 is prejudicial and defines in advance the outcome of any ITU staff visit.

Mr. Chairman, let me express once again my Delegation's opposition to this Resolution and our intention to vote against it. My Delegation believes that we should focus attention on the mandate of the ITU and concentrate on important telecommunication issues. We encourage other Members to support the substantive work of the Union by voting against Resolutions such as the one before us which tends to politicize this body.

While I do not suggest that debate be limited, we do move that a decision be taken by secret ballot. This motion is supported by Canada, Denmark, the Netherlands and New Zealand. I request that this procedure be observed when the substantive discussion is ended."

8.9 The delegate of Iraq made the following statement:

"First, I would like to state that my Delegation is one of the signatories of the proposal in front of this Plenary.

We support the interventions of those who have preceded me in presenting the proposal, i.e. delegates of Saudi Arabia, Mali and others. But I would like to emphasize that my Delegation and the Arab group are very keen to have the works of this Conference run smoothly and in a speedy manner, and appreciates highly that the discussion on the subject should not take a long time, as we realize the importance of completing the works of this Conference in the time scheduled for it. But at the same time we do not consider it right for the Conference to end its work without taking a clear stand towards a grave violation of the Union's Convention.

I was very pleased to hear from a speaker, who opposed the proposal, a confirmation of the violations to the Union's Convention and the interruption of telecommunications by Israel.

So, based on the above, the wording of the draft Resolution is very moderate and represents a minimal acceptable draft for the vast majority of this Conference.

The interruption of telecommunications for security reasons, as stated, is a recognized right of Members within their territories and is stipulated for in the Convention. But the interruption by a Member of telecommunications within the territories of other Members is a clear violation to the Union's Convention.

The fundamental principles of the ITU Convention call for the strengthening of peaceful relations and we must not keep silent about any violations to it. What is happening in the occupied Palestinian territories and the territories of two other Members of the Union, namely, Syria and Lebanon, is a manifested violation of these principles.

Our Union has taken a clear stand relating to a humanitarian subject, when it excluded South Africa from the Union's conferences and meetings. This was, in our opinion, not a political but a humanitarian position.

We telecommunications people have a mission to enhance and develop human relations, so it is very important for us to take a humane stand and this Plenipotentiary Conference offers us the best opportunity to prove that and to take our stand.

The violations by Israel are very clear in the occupied Palestinian territories and civilians have been prohibited from freely using means of telecommunications in breach of Article 18 of the Nairobi Convention.

Isolation of towns and interruption of their telecommunications during the uprising ('Intifada'), consequently interrupting telecommunications for hospitals, is a clear violation of Article 25 of the Convention which gives absolute priority to all telecommunications concerning the safety of life. This is aggravated further by its happening in an occupied territory.

The Nairobi Conference has passed a Recommendation which is brave and very correct, that is, Recommendation No. 1 relating to the Unrestricted Transmission of News. It is clear that Israel's practices during the past 18 months violate this Recommendation, as Israel's authorities have repeatedly prevented journalists from sending news to inform the world about the grave situation in the Palestinian occupied territories.

In addition to that we have Israeli's continual violations of human rights and the principles of the United Nations in the occupied territories, and I have here with me a list of it in dates and figures. I do not wish to take the time of the honourable delegates in reading it, but I think that confronted with all this we have nothing to do but take a stand of clear and strong condemnation with respect to these violations and practices.

Mr. Chairman, our duty calls us to request and instruct the radio conferences to safeguard the right of the Palestinian people and their occupied territories as far as their lawful rights in the utilization of the frequency spectrum is concerned. Our duty calls us further to instruct the Administrative Council to form a committee to follow up and continue to observe and report these violations by Israel, which are occurring in the occupied territories.

This is, Mr. Chairman, the essence of the Resolution and I do not find in it any contradictions or anything outside the human tasks and mandate of our Union and the stand which we are all obliged to take towards those who violate an International Convention which is agreed upon by all the Members of the Union.

Mr. Chairman, realizing the importance of the smooth and good running of this Conference, I call upon all the honourable delegates to support the draft Resolution without prolonging the discussion at the expense of the precious time left for this Conference, as the matter is clear and just."

8.10 The delegate of Pakistan said that his Delegation took a dispassionate though serious view of the draft Resolution. Whereas it was the function of the ITU to harmonize, develop and expand telecommunications, in the case at issue existing telecommunications were being disrupted, in violation of the basic purposes of the Union. In examining the draft, delegations should disregard procedural formalities, but should concentrate on the substance of the matter, namely, that the right to communicate, a fundamental human right, was being denied in the occupied territories where no state of war prevailed, but where the people concerned were merely fighting for their legitimate rights. The draft Resolution must be adopted, so that it should not go down in history that the ITU had kept silent while telecommunication systems were being destroyed.

8.11 The delegate of Guinea supported the draft Resolution condemning the practices of Israel in the occupied Arab territories.

8.12 The delegate of Lebanon also supported the draft Resolution as presented by the delegate of Saudi Arabia.

8.13 The delegate of India said that his country shared the general concern at the deliberate and repeated interruption of telecommunications in the occupied Arab territories and agreed that the Secretary-General should be requested to take early action as proposed in the draft Resolution.

8.14 The delegate of Cuba said that his Delegation concurred with all the provisions of the draft Resolution and with the statements of the delegates of Saudi Arabia and Iraq. The draft was prompted, not by political motives, but by concern at the disruption of telecommunications.

8.15 The delegate of Israel made the following statement:

"Mr. Chairman, I would like to make the following presentation concerning the item under discussion. My Delegation still does not believe that the areas under Israeli control are the only ones in the world which deserve special attention and deliberation by our organization. Nevertheless, in the spirit of openness, I would like to share with you the real facts of the situation.

In June 1967, immediately following the Six-Day War, Israel found itself responsible for the Administration of Judea, Samaria and the Gaza District. Since that time, the Civil Administration has, as far as possible, endeavoured to improve the living conditions of the residents of those areas, investing significant resources in all public services - health care, education and development of the infrastructure. New water and electric lines were laid, roads were paved, transport was extended, and of particular interest to this Conference, telecommunications services were expanded and modernized.

In fact, one of the most impressive achievements of the Civil Administration in those areas during the past two decades has been the rapid development of the telecommunications services available. Almost immediately, in 1967, an ambitious work plan was adopted, and the comparative figures, then and now, speak for themselves.

In Judea and Samaria, in July 1967, seven of the eight telephone exchanges were small, old and manually operated. These have been replaced by modern automatic switching equipment, resulting in a fourfold increase in the number of telephone lines installed from 4,700 to almost 18,000 and current capacity for an additional 8,000 lines. Compare the telephone line exchange capacities for individual towns as it was in July 1967 and as it is now, and the transformation is even more striking:

- Bethlehem, from 700 to 4,000, almost sixfold,
- Jericho, from 600 to 1,500, about two and a half times as many as before,
- Ramallah, from 1,000 to 3,500, three and a half,
- Nablus, from 2,000 to 10,000, a fivefold increase,
- Tulkarem, from 400 to 3,000, seven and a half times as many, including a new digital exchange,
- Kalkilya, from 100 to 1,000, a tenfold increase and the same increase in Jenin, where a new digital exchange with a capacity of 3,000 lines was inaugurated on 1 June 1989.

Five of the major towns have been provided with direct international dialling services - Ramallah, Nablus, Hebron, Bethlehem and Jericho. Today, by dialling directly to a European switchboard, residents can speak to friends and family in virtually any other country in the world. International telexes have also been installed in post offices and private businesses, replacing telexes which had previously been routed via Israel.

In the rural areas, many isolated villages have now been connected to the telephone system. Bedouin tribes also now enjoy telephone services in their permanent settlements.

During 1988, despite the Intifada, some 1,200 telephone lines were installed, 400 were transferred and three new automatic exchanges were connected. The 1989 work programme calls for 1,150 new lines, as well as continued maintenance and modernization of the system.

The telephone system which served the residents of Gaza in June 1967, was both antiquated and very sparse relative to the population density. There were only four manually operated telephone exchanges, which provided less than 2,000 telephones to the approximately half-million inhabitants representing only one telephone for every 250 persons.

Development and expansion of the system, meaning conversion to automatic switching, required the planning and installation of an entire underground network of conduits. This fundamental task was undertaken by the Civil Administration and completed in 1980. The immediate result was the installation of a 7,000 line automatic exchange. Since 1980, four additional exchanges were enlarged and recently a modern automatic 3,000 line digital exchange was inaugurated in Khan Yunis.

The work plan calls for an additional 2,000 line automatic exchange to become operational in 1990. The residents of Gaza have witnessed a sevenfold increase in actual telephone lines from less than 2,000 to almost 15,000 with proportional increases in capacity for additional lines. Once again, let us cite the dramatic improvements in capacity for specific town, since 1967:

- Gaza, from 2,000 to 10,000, a fivefold increase,
- Dir-El Balah, from 50 to 1,000, a twentyfold increase,
- Khan Yunis, from 100 to 3,000, a thirtyfold improvement.

Other services now available to Gaza residents are public telephones, telex, facsimile and data transmission lines. Direct international dialling for both telephone and telex enables subscribers to dial directly to most countries in the world, including the Arab States with which Israel itself has no telecommunications links.

There is only one domain in which telecommunications services to the residents of Judea, Samaria and Gaza were temporarily interrupted, because of security considerations, which occurred during the period between May 1988 and January 1989. I am referring to the imperative need to suspend the international telephone service in the interest of public security and safety.

By the early spring of 1988, overwhelming evidence that the Intifada leadership was receiving instructions from terrorist organizations abroad, led the Israeli authorities to conclude that selective suspension of international services, but only international services, reduces violence and contributes to the restoration of public order.

As soon as legal advisers had been consulted and had concluded that such steps could be taken without violating international law, international telephone service to the territories was temporarily suspended. These orders were issued under powers established 50 years ago in 1939, by the emergency regulations of the Government of the British Mandate and in force continually since that time.

The original order provided that individuals or groups could request permits for an international service, which would be reviewed case by case. Within a few months the order was amended, to provide even for the right to appeal by any person whose request for a permit was denied.

By January 1989, the situation in the territories had stabilized to the point where Israeli authorities deemed it safe to restore the international telephone service to the general public. And in fact, all international services affected by the order have been restored. I would like to point out, however, some other important facts:

First, all other telecommunications services in those areas were functioning at all times, in spite of the violence; and second, this violence included, also, ironically, numerous acts of sabotage to the telephone system by the local residents themselves - twenty kilometres of cable and 200 telephone poles were damaged in Judea and Samaria, while in Gaza, cables were cut and junction boxes were burned.

As is regrettably the case in other international organizations, this forum is now being exploited by requests to condemn Israel in connection with the situation I have just described. It is a blatant attempt at politicization, and we call upon all Members of the ITU who have regard for its principles and who oppose its politicization to vote against this Resolution.

Finally, regardless of the sterile political confrontation which has been imposed upon us by the Arab States, our thoughts are still centred upon the hope of establishing a constructive dialogue with the elected representatives of the inhabitants of the territories, in order to devise ways and means for peaceful coexistence. The establishment of such a dialogue is part and parcel of the peace initiative which was adopted by the Government of Israel last month."

8.16 The delegate of Senegal said that his country was one of the co-sponsors of the draft Resolution which was an extension of previous deliberations on the problem and should be seen in that context. As requested in the draft Resolution, a fact-finding committee should be formed to gather the information mentioned, without prejudice to any of the views expressed in the discussion.

8.17 The delegate of the Islamic Republic of Iran condemned the shameful atrocities committed against defenceless people in the Palestinian and other occupied territories and called on delegates, in the name of humanity and justice, to vote in favour of the draft Resolution.

8.18 The delegate of the Democratic People's Republic of Korea said that, in accordance with the Charter of the United Nations and the spirit of the International Telecommunication Convention, the human rights of the Palestinian people and their free use and operation of telecommunication facilities should be observed and respected in the occupied Arab lands. The current situation was, however, quite different because of the repeated repressive practices of Israel, as mentioned in the draft Resolution. Such practices should be condemned and his Delegation thus strongly supported the adoption of the draft Resolution.

8.19 The delegate of the USSR supported the draft Resolution.

8.20 The Chairman gave the floor to the delegate of Saudi Arabia to find out whether he wished to maintain the draft Resolution as it stood.

8.21 The delegate of Saudi Arabia said that several countries had co-sponsored the draft Resolution and thus that there was no question of withdrawing it. He recognized that the work of the Conference was important and that time was precious but drew attention to the text of the draft Resolution which contained moderate proposals and rightly called for condemnation of illegal acts. He had not wished for a secret vote but had hoped that the draft Resolution could be supported by the Union as a whole.

8.22 The Chairman recalled that he had closed the list of speakers. The delegate of the United States, supported by the delegates of Canada, Denmark, the Netherlands and New Zealand, had called for a secret ballot, thus fulfilling the requirements of No. 551 of the Nairobi Convention. He put the draft Resolution contained in Document 312(Rev.3) to a vote by secret ballot and asked delegates to deposit their ballot papers as the names of their countries were called out.

At the invitation of the Chairman, the delegates of Iraq, Denmark, Canada, Mali and Hungary acted as tellers.

The result of the vote was as follows:

Number of delegations present and voting : 125

Invalid ballots : 2

In favour : 61

Against : 36

Abstentions : 26

8.23 The Chairman declared the draft Resolution adopted.

9. Exchange of and access to information: referral by Committee 7
(Document DT/52)

9.1 The Chairman of Committee 7, in presenting the document, said that Committee 7 had hoped that the Chairman of the Conference would consider setting up a Working Group to consider the proposals listed.

9.2 The Chairman proposed the setting up of a Working Group, to be called PL-C, chaired by Mr. Merchan Escalante of Mexico, with the following terms of reference, as suggested by the Secretary-General and adjusted, at the request of the Chairman of the IFRB, to include mention of the use of the computer: "to consider the proposals and documents relating to the exchange of and access to information, including the use of the computer, as listed in Document DT/52, and to make appropriate Recommendations to the Plenary and provide relevant financial information to Committee 4".

It was so agreed.

10. Oral reports by Chairmen of Committees on the progress of their work

10.1 The Chairman of Committee 2 said that, since his last oral report, the Working Group of Committee 2 had held its third meeting, had examined 13 credentials deposited with the Secretariat, and found them all to be in order.

10.2 The Chairman of Committee 3 said that one further meeting had been held, at which note had been taken of the latest information on expenditure, including expected expenditure.

10.3 The Chairman of Committee 4 said that, since his earlier report, the Committee had begun its study of proposals concerning modifications to the draft Constitution and Convention. Having dealt with the requests of Liberia, Comoros and others in regard to arrears, the Committee would embark on its main task, the ceilings of expenditure of

the Union for 1990-1994. The work of the Chairman of the Conference and the informal group had enormously facilitated that task. In order to complete its work, Committee 4 would obviously need information from the other Committees. Committees 5 and 6 had already provided the required information; Committee 7 had transmitted some information; and information was awaited from Committees 8 and 9.

10.4 The Chairman of Committee 5 said that, as he had previously informed the Plenary, Committee 5 had finished its work at the end of the third week, in accordance with the deadline set by the Steering Committee. A small Working Group had subsequently completed its work on the text of a draft Resolution on human resources development. That draft Resolution, contained in Document 347, would be put before the Plenary at an appropriate time.

10.5 The Chairman of Committee 6 said that, since his last report, the Committee had held two meetings in which it had approved 15 draft Resolutions. Those drafts had already been transmitted to the Editorial Committee. At its remaining meeting, the Committee would discuss two more draft Resolutions and consider issues related to the Centre for Telecommunications Development.

10.6 The Chairman of Committee 7 said that on 19 June the Committee had adopted an agenda covering all the points requiring decision. A Drafting Group had been set up, chaired by Mr. Hoffman (Canada) which had examined the methods of work of the CCIs. A Drafting Group had started work on drawing up a draft Resolution on an overall review of the structure of the Union. A Working Group was to be set up to start work on drawing up provisions for a permanent development organ, based on the proposals made in Document 311(Rev.1) as well as proposals by the United States, the CITELE countries and other suggestions put forward during the debate. He hoped that the Committee would be able to deal that night with issues related to the IFRB, in order to be able to forward the necessary information to Committee 9 in relation to the basic instrument, i.e., regarding its structure and limitation on terms of office. A decision would have to be taken on moving some provisions concerning the IFRB from the Radio Regulations to the draft Convention. He proposed to set up a Drafting Group to deal with such aspects of detail, as distinct from structural or election issues. Proposals had been made to increase the number of Members of the Administrative Council to 43 and to institute a system of rotation. Some four or five delegations had reached agreement on a text for No. 94 of the draft Constitution limiting the re-election of Directors of the CCIs. He was not yet in a position to report on the Committee's decisions with regard to Article 5 of the draft Constitution and said that a few more meetings would be needed to enable the Committee to complete its work.

10.7 The Chairman of Committee 8 said that, since the last oral report, the Committee had met four times and made further progress with its work. A few important items remained to be discussed. Despite the change in the timetable of meetings, he hoped that the Committee would finish its work on time.

10.8 The Chairman of Committee 9 said that, since his last report to Plenary, the Committee had held four meetings. It had finalized Articles 39, 41 and 44 of the draft Constitution that had been allocated to it and had, on the basis of Document DT/32, dealt with certain provisions of Articles 6, 10, 11, 29 and 34. It had discussed Article 40 in depth and had embarked on a discussion of Article 46. Much remained to be done: the Committee had to deal with the settlement of disputes, on which a Working Group was active, the amendment procedures for the Constitution and the Convention, reservations (in connection with Document 73), and, by virtue of Document DT/32,

certain provisions of Articles 8, 10, 15 and 16 of the Constitution, as well as the question of additional protocols and the final protocol. He noted that Committee 7, through a note from its Chairman, had indicated that Committee 9 would have to take appropriate action in connection with the question of appropriate incorporation into the Constitution or Convention of provisions concerning the permanent organ for telecommunications development. Since the substance of that matter fell within the competence of Committee 7, he was pleased to note that Committee 7 intended to set up a Working Group to agree on the relevant provisions. Only after such consideration would Committee 9 be able to take up the question. Committee 9 considered that it should deal with transitional provisions, in view of their interface with the final clauses. He had sent a note to that effect to the Chairman of Committee 7, following the discussion on transitional provisions that had taken place in Committee 7.

The oral reports of the Chairmen of Committees 2, 3, 4, 5, 6, 7, 8 and 9 were noted.

11. Candidature for the Directorship of the new permanent development organ:
question by the delegate of the Côte d'Ivoire

11.1 The delegate of Côte d'Ivoire recalled the compromise that had been reached earlier with respect to setting deadlines for candidatures for the Directors of the CCI's and for members of the IFRB and of the Administrative Council, although those organs were still being studied by Committee 7. It had been evident from discussion in Plenary and in Committee 7 that the majority had been in favour of the creation of a permanent development organ and he wondered why a similar compromise had not been found with respect to setting a deadline for candidatures for such a possible Director of that organ? He asked if there was there a procedure for electing such a Director if Committee 7 concluded that a new development organ should be established,

11.2 The Chairman recalled that, being concerned with the proceedings of the Conference, he had set up an informal group to draw up guidelines and advise on possible proposals. He was seeking a global approach to some of the problems faced by the Conference, in particular those on the structure and methods of work of the Union. A conclusion would have to be reached on the steps to be taken by the Conference as well as following the Conference, including the responsibility for further study of the question. In particular, a decision would have to be taken on the establishment of a permanent development organ and any consequential measures would have to be examined. The financial implications for 1990-1994 would evidently have to be taken into account. The position of the Technical Cooperation Department and the Centre for Telecommunications Development would also have to be considered. Linked to the question of overall structure was that of the election of officials and the necessary provisions to be included in the Nice instrument to reflect the decisions taken by the Conference. It would still be possible to elect a future Director of a permanent development organ, if such an organ were to be established. He was optimistic that, given a little more time, a solution would be found and a solid basis constructed for the future of the Union.

The meeting rose at 1740 hours.

The Secretary-General:

R.E. BUTLER

The Chairman:

J. GRENIER

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to
Document 361-E
28 June 1989
Original: Spanish

COMMITTEE 9

SUMMARY RECORD

OF THE

TWELFTH MEETING OF COMMITTEE 9

Paragraph 3.12

Replace the last sentence by the following text:

"The deposit of 25 instruments would be appropriate, but he could accept 41 if that were the feeling of the meeting."

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 361-E

25 June 1989

Original: English

COMMITTEE 9

SUMMARY RECORD

OF THE

TWELFTH MEETING OF COMMITTEE 9

(BASIC INSTRUMENT OF THE UNION)

Monday, 19 June 1989 at 1910 hrs

Chairman: Mr. H.H. SIBLESZ (Netherlands)

Subjects discussed:

Documents

- | | | |
|----|--|--|
| 1. | Approval of the agenda | C9/12 |
| 2. | Notes by the Chairman of Committee 8 | 262, 266 |
| 3. | Consideration of proposals (continued) | DT/12
+ Corr.1 + Add.1
+ Add.2,
Documents A + B,
GE-BIU 50(Rev.) |

1. Approval of the agenda (Document C9/12)

1.1 The delegate of the United States drew attention to the fact that an issue had been raised at the twentieth meeting of Committee 7, held that afternoon, concerning the constitutional or conventional regime and clauses which would either place constitutional provisions in abeyance or would have some other similar effect. It seemed to him that the issue exceeded the competence of Committee 7 and should be considered in Committee 9. He would welcome an explanation of exactly what had happened in Committee 7 with regard to the consideration of necessary transitional provisions.

1.2 The Legal Adviser said that the agenda of the Committee 7 meeting in question had contained an item entitled "Consideration of necessary transitional provisions relating to a Plenipotentiary Conference to consider the review", in pursuance of a question put to him by the Delegation of India at the preceding meeting on whether or not the Nice Conference could convene a Plenipotentiary Conference, inter alia, concerned with only some of the elections before the expiry of the statutory five-year period and whether that could be done by means of a Resolution, a Recommendation or a Protocol. He had studied the whole question over the weekend, and the Secretary-General had announced to the twentieth meeting of Committee 7 that a first preliminary draft of a possible new article for the Constitution would be published; the draft would appear in Document 349 and would be accompanied by a note stating that the text should first be studied and considered by Committee 9, which still had to deal with Articles 43 and 46 of the draft Constitution. The question had thus had to be placed on the agenda of Committee 7 with that proviso.

1.3 The Chairman pointed out that the issue had been raised in connection with the need to hold an extraordinary session to deal with certain matters only, namely, the future structure of the Union, and that the overall scope of the transitional clauses must therefore be dealt with on the basis of decisions taken by Committee 7. Once the picture became clearer, it would certainly be for Committee 9 to deal with the definition of the interface between the transitional clauses and the overall provisions of the basic instrument. Committee 9 would thus be well advised to bear that new issue in mind when dealing with the Articles it still had to consider.

1.4 The delegate of the United States considered that any transitional provisions should be dealt with immediately by Committee 9. Another matter of concern was the fact that the first preliminary draft did not emanate from any country, whereas a provision of the Nairobi Convention expressly precluded elected officials from making proposals.

1.5 The Chairman reiterated that, while Committee 9 was the appropriate body to deal with the substance of the question, the preliminary decision on whether there was a need for the transitional clauses must be taken elsewhere. The situation might be clarified through a note to that effect from the Chairman of Committee 9 to the Chairman of Committee 7. Meanwhile, Committee 9 should prepare itself for the eventuality of having to study such clauses, which would take a considerable time.

The agenda was approved on that understanding.

2. Notes by the Chairman of Committee 8 (Documents 262, 266)

Document 262

Article 27 - Special Arrangements

Article 29 - Use of the Radio-Frequency Spectrum and of the Geostationary-Satellite Orbit

2.1 The Chairman, noting that the document contained texts of Articles 27 and 29 as modified by Committee 8, suggested that Committee 9 should defer consideration of Article 27, which was closely related to the decisions it would take on Article 40. With regard to Article 29, the Committee had to decide whether or not to replace the word "countries" by "Members" in certain cases; although that change had been agreed upon with respect to other Articles, it was clear that not all the obligations set out in the Constitution applied to Members only, since, for example, harmful interference could also be caused to non-Members.

2.2 The delegate of Spain said that the Group of Experts had discussed the question at length and had decided to retain the word "countries" for the reason mentioned by the Chairman. The delegate of Australia added that that word was used in No. 154 of the Nairobi Convention.

2.3 The delegate of Colombia pointed out that the use of the radio-frequency spectrum and access to the geostationary-satellite orbit was guaranteed to all countries, whether or not they were Members of the ITU.

2.4 The Legal Adviser urged the Committee not to reopen the long and heated discussions that had taken place on the subject at the Nairobi Conference and had culminated in the balanced text now appearing in Article 29.

2.5 The delegates of Chile, Cape Verde, Paraguay, the United Kingdom, Kenya and Indonesia agreed that the word "countries" should not be replaced by "Members".

2.6 The delegate of Mexico also agreed to the retention of the word "countries", although her Delegation would have preferred to use the word "States", which had a specific meaning in international law.

It was agreed not to replace the word "countries" by "Members".

Document 266

Article 34 - Relations with the United Nations

2.7 The Chairman invited the Committee to consider the proposals related to Article 34 of the draft Constitution, transmitted by the Chairman of Committee 8. The six proposals were in favour of the deletion of No. 163, as suggested by the Group of Experts, since it merely repeated some of the provisions of the Agreement between the United Nations and the ITU. He noted that there were no proposals relating to No. 162 and thus suggested that the Committee approve Article 34, with the deletion of No. 163.

It was so agreed.

Annex 1

2.8 The Chairman pointed out that the proposals related to Annex 1 were covered by the Committee's earlier decision to delete that annex.

Article 16 - Languages

2.9 The Chairman said that the Committee would take up the question of languages at a later stage.

3. Consideration of proposals (continued) (Documents DT/12 + Corr. 1 + Add. 1 + Add.2, Documents A and B, GE-BIU 50(Rev.)).

3.1 The Chairman drew attention to certain provisions of Articles dealt with by other Committees which fell within the mandate of Committee 9.

Article 6 - Plenipotentiary Conference (No. 45)

3.2 The Chairman noted that the proposals relating to No. 45 were PRG/95/27, suggesting no change, ARS/60/4, specifying the Articles of the Constitution and the Convention which dealt with amendments, and CLM/152/2, which seemed to be of a drafting nature.

3.3 The delegate of Paraguay said that he could support the Saudi Arabian proposal.

3.4 The Legal Adviser suggested that the word "respectively" be inserted after "Convention" in the text proposed by Saudi Arabia. The delegate of Spain said that that amendment would not apply to the Spanish version of the Saudi Arabian proposal, which he also supported.

3.5 The delegate of Columbia said that his Delegation's proposal related only to the the Spanish text and could be dealt with by Committee 10. He too supported the Saudi Arabian proposal.

No. 45 was approved as amended.

Article 10 - International Frequency Registration Board (No. 75)

Article 11 - International Consultative Committees (No. 94)

Nos. 75 and 94 were approved.

General provisions relating to telecommunications and special provisions for radio

3.6 The Chairman drew attention to the proposal of the Group of Experts to separate those provisions between the Constitution and the Convention and said that Committee 8 considered such separation to be appropriate, although it had not yet specified the Articles to be assigned to each instrument.

3.7 The delegate of the United States proposed that Committee 9 should defer consideration of the subject until Committee 8 had completed its deliberations on the substance of the Articles concerned.

3.8 The Legal Adviser thought that such postponement might be inadvisable in view of paragraphs 7 to 10 and 36 of the Report of the Group of Experts.

3.9 The Chairman suggested that Committee 8 be informed of the interest that Committee 9 took in examining the question.

It was agreed to defer consideration of the subject.

Article 46 - Entry into Force and Related Matters

3.10 The Chairman invited the Committee to consider, with respect to No. 198, the question of the number of instruments of ratification, acceptance, approval or accession required for the entry into force of the basic instrument. Of the proposals received by the Secretariat, ten had been in favour of a third of the number of Members or 55 instruments, four had been in favour of 25 instruments, and one had been in favour of a quarter of the number of Members or 41 instruments. The numerical equivalents of a third and a quarter were those obtaining at the time the question had been discussed by the Group of Experts.

3.11 The Legal Adviser drew attention to paragraphs 21 and 22 of the Final Report of the Group of Experts and to the accompanying table which gave a not too favourable indication of the speedy will of Members with respect to giving consent to be bound. The Group of Experts had felt that the number of instruments to be deposited should ensure a certain degree of representativity but should not be fixed at too high a level and had thus put forward several suggestions, leaving it to the Plenipotentiary Conference to make its choice. The "Related Matters", Nos. 200 to 203, were provisions of the Nairobi Convention that the Group of Experts had considered would be better grouped together in the Article dealing with entry into force, than in the "Testimonium", where the two latter provisions had, in the Nairobi Convention, been included.

3.12 The delegate of Spain said that the requirement for the deposit of a certain number of instruments for the entry into force of the basic instrument was an innovation on the part of the Group of Experts which was in line with the spirit of the Vienna Convention on the Law of Treaties. The Nairobi Convention had merely required the deposit of a second instrument for entry into force. The number should ensure representativity but, if fixed too high, would delay entry into force indefinitely. Either 15 or 41 instruments would be appropriate.

3.13 The delegate of Japan recalled that, in Nairobi, his country had proposed that a more stable regime be introduced, with a Constitution and a Convention. His country thus wanted the new basic instrument to come into force as soon as possible but recognized that it was difficult to bind all Members if only one Member had consented to be bound, as had been the case for the Nairobi Convention. Setting a very high number would be a departure from the usual practice of the Union. The best compromise would be entry into force after the deposit of the 25th instrument. It was important to establish a precise number. Use of fractions such as "a quarter" or "a third" would be unclear because the numbers that they represented would be subject to change with changes in the membership of the Union.

3.14 The delegate of Côte d'Ivoire said that, as an innovation, the consequences of the requirement for the deposit of a certain number of instruments should be carefully examined. Although the Vienna Convention suggested certain provisions, it did not preclude other approaches. It would be better to follow the practice of the Nairobi Convention and to establish a specific date, thus allowing Members to make proper provisions for entry into force.

3.15 The delegate of Cameroon was in favour of requiring the deposit of a specific number of instruments prior to entry into force. The figure of 41 instruments, equivalent to about a quarter of the membership of the Union and similar to the number of Members of the Administrative Council, was fairly representative. As the Nairobi Convention would remain in force until the entry into force of the new basic

instrument, any delay in entry into force of the latter resulting from the requirement that a certain number of instruments be deposited would not pose any particular problem. It would certainly be preferable to set a specific number, rather than a fraction.

3.16 The delegate of Argentina, referring to the table in paragraph 22 of the Final Report of the Group of Experts, noted that the number of instruments deposited by the fixed date of entry into force of earlier instruments had been extremely small, and pointed to the slow rate of deposit of further instruments. A wide range of options existed, from applying the basic instrument provisionally to requiring the deposit of a large number of instruments. ITU practice had been to treat Members that had ratified the most recent Convention in exactly the same way as Members that had not done so. The new basic instrument should enter into force as soon as possible; entry into force should therefore follow the deposit of the 25th instrument or should be set for 1 January 1991.

3.17 The Legal Adviser recalled that the Group of Experts had considered but unanimously ruled out the idea of setting a fixed date for entry into force and that no written proposals had been received suggesting such a fixed date. The Nairobi Convention had set a fixed date, but the requirement for the deposit of at least two instruments had not been fulfilled, at that fixed date, by two "Members"; in fact, only one instrument had been deposited by the date in question.

3.18 The delegate of Gabon said that history had shown that a requirement for the deposit of a certain number of instruments would unreasonably delay entry into force. A fixed unconditional date should be set, say 1 January 1991, for entry into force. Members that had not deposited instruments by that date would lose their right to vote.

3.19 The delegate of Czechoslovakia said that the Group of Experts had correctly ruled out the idea of a fixed date of entry into force. The new basic instruments would be of a more permanent character than earlier Conventions and should be considered as a contract between Members. It was thus important to ensure representativity; that could be done by requiring the deposit of instruments by a third of the Members of the Union prior to entry into force. Account could be taken of the more permanent nature of the Constitution by providing a more flexible amendment procedure for the Convention.

3.20 The delegate of the USSR said that the new provisions for entry into force of the Constitution and the Convention were rightly being subject to thorough examination. In the light of the comments made by the Legal Adviser, his Delegation considered that the deposit of instruments by a third of the Members should be required for entry into force.

3.21 The delegate of Ethiopia said that, on the basis of past performance, the requirement for the deposit of a high number of instruments would only lead to problems. In support of the delegate of Japan, he considered that 25 instruments would be reasonable.

3.22 The delegate of the United States recalled his earlier remark that, at present, the obligations of the Members of the Union were determined by three different Conventions. The new basic instrument would only determine the rights and obligations of those Members that expressed their consent to be bound by it. The remaining Members would continue to be bound by earlier Conventions. Setting too low a number of instruments to be deposited for the entry into force of the new basic instrument would only result in there being four instruments of the Union simultaneously in operation. Complete stability would only be achieved by requiring the deposit of instruments by all 166 Members of the Union before the entry into force of the new basic instrument. Such a requirement would evidently be unrealistic. It should, however, be borne in mind

that failure to express consent to be bound would result in loss of voting rights. If too low a number were set for the deposit of instruments, the high number of Members without voting rights would disturb the usual procedures in the Union. He agreed with the delegate of the USSR that the entry into force of the new basic instrument was a departure from tradition. The number of instruments deposited should be those of a third of the Members of the Union, or 55.

3.23 The delegate of Colombia agreed with the Group of Experts that it would be inappropriate to set a fixed date for entry into force. There should be a requirement for the deposit of a certain number of instruments prior to entry into force; 41 instruments, or a quarter of the number of Members, would be a reasonable compromise between the desire for early entry into force and the concern for stability. He noted that, under No. 200, the entry into force of the new basic instrument would abrogate and replace the Nairobi Convention.

3.24 The delegate of the Netherlands was in favour of a low threshold and a fixed number of instruments, rather than a percentage. He therefore supported the proposal for 25 instruments to be deposited prior to entry into force.

The meeting rose at 2210 hours.

The Secretary:

A. NOLL

The Chairman:

H.H. SIBLESZ

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 362-E

20 June 1989

Original: English

COMMITTEE 7*)

**Note by the Chairman of Committee 9 to
the Chairman of Committee 7**

With respect of the consideration by Committee 7 of the item entitled "Transitional provisions relating to a Plenipotentiary Conference to consider the Review" (see item 3 b) on the agenda of its 20th meeting) I wish to convey to you the following.

At its 12th meeting, Committee 9 briefly considered the implications for its work of any decisions taken elsewhere in connection with mechanisms, such as an additional Plenipotentiary Conference with a limited agenda, to provide for a consideration of proposals related to the Structure of the Union. Committee 9 felt that, once the need to provide for such mechanisms was established, the consideration of proposals from Member States in that respect would be its prerogative. It is to be noted in this respect that the terms of reference of Committee 9 (Doc. 118) enable it to deal with matters of a juridical character related to the adoption and amendment of a Constitution and associated second instrument. Since the operation of mechanisms referred to above would undoubtedly have an impact on the regular final clauses of the Constitution (cf. Entry into force), consideration of proposals related thereto would undoubtedly fall within the mandate of Committee 9.

I therefore request you, as well as other colleagues who may be affected, and to whom I transmit a copy of this note for that purpose, to see to it that, as soon as decisions have been taken as to the overall need for such mechanisms, proposals aimed at implementing such mechanisms be transferred to Committee 9.

H.H. SIBLESZ
Chairman of Committee 9

*) Copy to the Chairmen of Committees 7 and 7 ad hoc 2, 6 and PL WG B

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 363-E

20 June 1989

Original: English

COMMITTEE 7*)

**Note by the Chairman of Committee 9
to the Chairman of Committee 7**

With reference to your note contained in Doc. 310, I wish to inform you as follows. The terms of reference of Committee 9 enable it to consider proposals related to the report of the Group of Experts (Resolution 62 of the Nairobi Convention) as well as to deal with matters of a juridical character related to the adoption and amendment of a Constitution and associated second instrument. Furthermore Doc. DT/32 provides for consideration by Committee 9, with a view to deciding on the appropriate location, i.e. in the Constitution and/or Convention, of provisions the substance of which has been established by the competent Committee.

It would seem to follow that Committee 9 is not in a position, nor entitled to take action in respect of the subject-matter of your note, i.e. a permanent organ for telecommunications development, prior to decisions by the competent Committee or Committees as to the substance of provisions related to that organ.

Up to now, Committee 9 has at its disposal only the contents of Doc. 310 stating the decision on the establishment and the name of the new organ, without any necessary implementing provisions.

As this question is also relevant for colleagues, I transmit a copy of this note to the Chairmen of Committees 4 and 6.

H.H. SIBLESZ
Chairman of Committee 9

*) Copy to the Chairmen of Committees 4 and 6.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 364-E

20 June 1989

Original: English

COMMITTEE 7

United States of America

PROPOSALS FOR THE CONFERENCE

DRAFT CONSTITUTION

ARTICLE 5

Structure of the Union

- | | | |
|------------------|----|---|
| NOC | 25 | The Union shall comprise the following organs: |
| USA/364/1
MOD | 26 | <ol style="list-style-type: none">1. the Plenipotentiary Conference, which is the supreme organ of the Union;2. administrative conferences;3. the Administrative Council;4. the permanent organs of the Union which are:<ol style="list-style-type: none">a) the General Secretariat,b) the International Frequency Registration Board (IFRB),c) the International Radio Consultative Committee (CCIR),d) the International Telegraph and Telephone Committee (CCITT),e) <u>the Telecommunications Development Bureau (TDB).</u> |

USA/364/2
ADD

ARTICLE 11A

Telecommunications Development Bureau

1. The duties of the Telecommunications Development Bureau (TDB) shall be to promote the activities of the Union in facilitating and enhancing telecommunications development, and to coordinate the technical cooperation and assistance activities of the Union, particularly regarding the Union's role as: a) a specialized agency; and b) an executing agent in implementing projects of the UNDP and Trust Fund arrangements.
 2. In the performance of its duties, the Telecommunications Development Bureau shall seek to:
 - a) promote the development of telecommunications networks and services in developing countries, taking account of the activities of other relevant bodies; specifically by reinforcing planning and management capabilities, and human resource and policy development;
 - b) enhance the growth of telecommunications through cooperation with regional telecommunications organizations and with multilateral and regional development institutions;
 - c) encourage the association of industry with telecommunications development in developing countries, and offer advice on the choice and transfer of appropriate technology;
 - d) raise the level of awareness of the role of telecommunications in a balanced programme of economic development.
 3. The Telecommunications Development Bureau shall work through the medium of:
 - a) its regional development conferences;
 - b) a Director elected by the Plenipotentiary Conference and appointed in accordance with No. [...].
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PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 365-E

20 June 1989

Original: French

COMMITTEE 4

Note by the Secretary-General

CONTRIBUTIONS BY MEMBERS OF THE UNION
ISLAMIC FEDERAL REPUBLIC OF THE COMOROS

In a telegram received on 20 June 1989 (see Annex 1), the Islamic Federal Republic of the Comoros requested that the sums due in respect of contributions and publications for 1978 to 1989 amounting to a total of 897,930.65 Swiss francs should be considered by the Plenipotentiary Conference.

The Islamic Federal Republic of the Comoros requests that the interest on arrears should be cancelled and that the sums due should be transferred to a special non-interest bearing arrears account.

Despite grave economic difficulties and the frequent natural disasters to which it is exposed, the Islamic Federal Republic of the Comoros undertakes to settle the accounts in respect of its contributions and unpaid publications from 1978 to 1989 on the basis of an amortization plan compatible with its resources.

The financial situation of the Islamic Federal Republic of the Comoros in relation to the Union is shown in Annex 2.

It should be noted that in similar cases, the Nairobi Plenipotentiary Conference considered that sums due in respect of publications should not be cancelled.

Committee 4 is asked to take a decision on this subject.

R.E. BUTLER
Secretary-General

Annexes: 2

ANNEX 1

PARIS, 19 JUNE 1989

SECRETARY-GENERAL
INTERNATIONAL TELECOMMUNICATION UNION
NICE-

No. 22 AMCF- COMPLIMENTS STOP HONOUR TO BRING TO YOUR NOTICE CONTENTS OF A LETTER SENT BY HIS EXCELLENCY BEN DAOUD AHMED, SECRETARY OF STATE FOR TELECOMMUNICATIONS, TO HIS EXCELLENCY THE SECRETARY-GENERAL-

SUBJECT: CONTRIBUTION OF THE COMOROS TO THE ITU BUDGET

To the Secretary-General,

Sir,

As you know, the arrears on the contributions of the Comoros for the period 1978 to 1989 amount to 897,930.65 Swiss francs.

Our primary concern is to discharge this debt so that we can better assume our obligations as a Member and play a full part in future in the work of the ITU.

The Comoros are a small country which gained its independence fairly recently.

We are confronted by grave economic difficulties and are frequently exposed to natural disasters (cyclones).

The Comoros are one of the least developed countries.

We are particularly anxious to discharge our debt as our country has continued to receive assistance from the ITU in the form of experts, fellowships and equipment.

We would ask you therefore to request the Plenipotentiary Conference now meeting to consider cancelling the payment of interest on arrears and to examine a plan for rescheduling the payment of unpaid contributions which is compatible with our resources.

We should appreciate any support you may be able to give us in ensuring that the Plenipotentiary Conference gives favourable consideration to our request.

Please accept, Sir, the assurances of my highest consideration

BEN DAOUD AHMED
Secretary of State for Telecommunications

EMBASSY OF THE ISLAMIC FEDERAL REPUBLIC OF THE COMOROS IN FRANCE THANKS THE SECRETARIAT FOR ITS KIND COOPERATION.

HIGHEST CONSIDERATION.
ALI MLAHAILI, AMBASSADOR OF THE COMOROS IN FRANCE.

ANNEX 2

Sums due by the Islamic Federal Republic of the Comoros

Year	Contributions	Interest as at 31.12.1988	Total due	Class of Contribution
- <u>Swiss francs</u> -				
1978	65,900.--	56,477.75	122,377.75	1/2
1979	63,200.--	47,608.10	110,808.10	1/2
1980	63,200.--	41,418.45	104,618.45	1/2
1981	67,850.--	38,134.65	105,984.65	1/2
1982	84,325.--	39,799.90	124,124.90	1/2
1983	88,300.--	34,460.60	122,760.60	1/2
1984	26,125.--	8,238.70	34,363.70	1/8
1985	30,055.--	7,202.60	37,257.60	1/8
1986	29,132.--	5,023.40	34,155.40	1/8
1987	30,486.--	3,237.60	33,723.60	1/8
1988	28,997.--	1,299.40	30,296.40	1/8
1989	29,860.--	-	29,860.--	1/8
	607,430.--	282,901.15	890,331.15	-
Year	Publications	Interest as at 31.12.1988	Total due	Class of Contribution
1978	2,866.20	1,945.25	4,811.45	-
1979	88.--	-	88.--	-
1980	1,771.--	879.05	2,650.05	-
1981	50.--	-	50.--	-
	4,775.20	2,824.30	7,599.50	-
Total cont. and publ.	612,205.20	285,725.45	897,930.65	

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 366-E

20 June 1989

Original: English

COMMITTEE 9

NOTE BY THE CHAIRMAN OF COMMITTEE 8
TO THE CHAIRMAN OF COMMITTEE 9

In approving the modified texts of Article 4 (16 c) and 18 a)), as well as Article 14 (173A) (annexed), it was decided that Committee 9 should consider the possible replacement of the words "nations" or "countries" by the word "Members" which appears in square brackets.

Annex: 1

M.F. DANDATO
Chairman of Committee 8

ANNEX

Article 4 (Constitution)

Purposes of the Union

- MOD 16 c) to harmonize the actions of ~~nations~~ [Members] in the attainment of those ends.
- MOD 18 a) effect allocation of the radio frequency spectrum and registration of radio frequency assignments and orbital positions in the geostationary-satellite orbit in order to avoid harmful interference between radio stations of different ~~countries~~ [Members];

Article 14 (Convention)

- ADD 173 A Each proposal received from a [Member] shall be annotated by the Secretary-General to indicate its origin by means of the ITU established country symbol. Where a proposal is made jointly by more than one [Member], the proposal shall, to the extent practicable, be annotated with the symbol of each [Member].

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 367-E

20 June 1989

Original: English

COMMITTEE 9

NOTE BY THE CHAIRMAN OF COMMITTEE 8 TO THE CHAIRMAN OF COMMITTEE 9

I wish to draw your attention to the texts approved by Committee 8 and submitted to the Editorial Committee (Doc. 344).

In accordance with DT/32, Committee 9 may wish to consider the appropriate placing of Articles 18 - 33 of the draft Constitution which appear in above mentioned document.

M.F. DANDATO
Chairman of Committee 8

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 368-E

21 June 1989

Original: French

COMMITTEE 8

NOTE FROM THE CHAIRMAN OF COMMITTEE 9 TO THE CHAIRMAN OF COMMITTEE 8

In reply to your note contained in Document 367, I wish to inform you that Committee 9 has decided to suspend the consideration of the allocation of Articles 18 to 33 of the draft Constitution until you have transmitted the conclusions of Committee 8 on Chapter VI (Articles 29 to 33) of the draft Convention.

H.H. SIBLESZ
Chairman of Committee 9

**PLENIPOTENTIARY
CONFERENCE**

BLUE PAGES

NICE, 1989

Document 369-E

21 June 1989

B.8

PLENARY MEETINGEIGHTH SERIES OF TEXTS SUBMITTED BY THE
EDITORIAL COMMITTEE TO THE PLENARY MEETINGThe following texts are submitted to the Plenary Meeting for first reading:

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM.8	344	<u>Constitution</u> Article 4 No. 56 of Article 7 Article 14 Articles 18 to 28 Article 29* Articles 30 to 33 Article 34* Article 35 Article 45
* COM.9	354	No. 153 of Article 29 No. 163 of Article 34

M. THUE
Chairman of Committee 10Annex: 10 pages

ARTICLE 4

NOC

Purposes of the Union

NOC 13 1. The purposes of the Union are:

NOC 14 a) to maintain and extend international cooperation between all Members of the Union for the improvement and rational use of telecommunications of all kinds, as well as to promote and to offer technical assistance to developing countries in the field of telecommunications;

NOC 15 b) to promote the development of technical facilities and their most efficient operation [with a view to improving the efficiency of telecommunication services, increasing their usefulness and making them, so far as possible, generally available to the public];

ADD 15A bb) to promote the use of telecommunication services with the objective of facilitating peaceful relations;

MOD 16 c) to harmonize the actions of [Members]¹ in the attainment of those ends.

NOC 17 2. To this end, the Union shall in particular:

MOD 18² a) effect allocation of the radio frequency spectrum and registration of radio-frequency assignments and orbital positions in the geostationary-satellite orbit in order to avoid harmful interference between radio stations of different [Members]¹;

MOD 19 b) coordinate efforts to eliminate harmful interference between radio stations of different countries and to improve the use made of the radio frequency spectrum and of the geostationary-satellite orbit for space radiocommunication services;

¹ Subject to the outcome of Committee 9.

² Reserves: S, AUS, HOL, F, D, CAN, USA, FNL, J.

- | | | | |
|-----|-----|------------|---|
| ADD | 19A | <u>bb)</u> | facilitate the world-wide standardization of telecommunications, with a satisfactory quality of service; |
| NOC | 20 | <u>c)</u> | foster international cooperation in the delivery of technical assistance to the developing countries and the creation, development and improvement of telecommunication equipment and networks in developing countries by every means at its disposal, including through its participation in the relevant programmes of the United Nations and the use of its own resources, as appropriate; |
| MOD | 21 | <u>d)</u> | coordinate efforts to harmonize the development of telecommunication facilities, notably those using space techniques, with a view to full advantage being taken of their possibilities; |
| NOC | 22 | <u>e)</u> | foster collaboration among its Members with a view to the establishment of rates at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining independent financial administration of telecommunication on a sound basis; |
| NOC | 23 | <u>f)</u> | promote the adoption of measures for ensuring the safety of life through the cooperation of telecommunication services; |
| NOC | 24 | <u>g)</u> | undertake studies, make regulations, adopt resolutions, formulate recommendations and opinions, and collect and publish information concerning telecommunication matters. |
| ADD | 24A | <u>h)</u> | work with international financial organizations towards the establishment of preferential and favourable lines of credit to be used for the development of social projects aimed at extending the telephone service to the most isolated areas in countries. |

ARTICLE 7

Administrative Conferences

48 - 55

[COM 7]

NOC

56

(2) The agenda of a regional administrative conference may provide only for specific telecommunication questions of a regional nature, including instructions to the International Frequency Registration Board regarding its activities in respect of the region concerned, provided such instructions do not conflict with the interests of other regions. Furthermore, the decisions of such a conference must in all circumstances be in conformity with the provisions of the Administrative Regulations.

ARTICLE 14

NOC

Organization of the Work and Conduct of Discussions
at Conferences and Other Meetings

NOC

107

1. For the organization of their work and the conduct of their discussions, conferences and the Plenary Assemblies and meetings of the International Consultative Committees shall apply the Rules of Procedure in the Convention.

NOC

108

2. Conferences, the Administrative Council and Plenary Assemblies and meetings of International Consultative Committees may adopt such rules as they consider to be essential in addition to those in the Rules of Procedure. Such additional rules must, however, be compatible with this Constitution and the Convention; those adopted by Plenary Assemblies and study groups shall be published in the form of a resolution in the documents of the Plenary Assemblies.

CHAPTER II

NOC General Provisions Relating to Telecommunications

ARTICLE 18

NOC The Right of the Public to Use
the International Telecommunication Service

NOC 136 Members recognize the right of the public to correspond by means of the international service of public correspondence. The services, the charges and the safeguards shall be the same for all users in each category of correspondence without any priority or preference.

ARTICLE 19

NOC Stoppage of Telecommunications

NOC 137 1. Members reserve the right to stop the transmission of any private telegram which may appear dangerous to the security of the State or contrary to their laws, to public order or to decency, provided that they immediately notify the office of origin of the stoppage of any such telegram or any part thereof, except when such notification may appear dangerous to the security of the State.

NOC 138 2. Members also reserve the right to cut off any other private telecommunications which may appear dangerous to the security of the State or contrary to its laws, to public order or to decency.

ARTICLE 20

NOC Suspension of Services

MOD 139 Each Member reserves the right to suspend the international telecommunication service, either generally or only for certain relations and/or for certain kinds of correspondence, outgoing, incoming or in transit, provided that it immediately notifies such action to each of the other Members through the medium of the Secretary-General.

ARTICLE 21

NOC Responsibility

NOC 140 Members accept no responsibility towards users of the international telecommunication services, particularly as regards claims for damages.

ARTICLE 22

NOC Secrecy of Telecommunications

NOC 141 1. Members agree to take all possible measures, compatible with the system of telecommunication used, with a view to ensuring the secrecy of international correspondence.

NOC 142 2. Nevertheless, they reserve the right to communicate such correspondence to the competent authorities in order to ensure the application of their internal laws or the execution of international conventions to which they are parties.

ARTICLE 23

NOC Establishment, Operation and Protection
of Telecommunication Channels and Installations

NOC 143 1. Members shall take such steps as may be necessary to ensure the establishment, under the best technical conditions, of the channels and installations necessary to carry on the rapid and uninterrupted exchange of international telecommunications.

NOC 144 2. So far as possible, these channels and installations must be operated by the methods and procedures which practical operating experience has shown to be the best. They must be maintained in proper operating condition and kept abreast of scientific and technical progress.

NOC 145 3. Members shall safeguard these channels and installations within their jurisdiction.

NOC 146 4. Unless other conditions are laid down by special arrangements, each Member shall take such steps as may be necessary to ensure maintenance of those sections of international telecommunication circuits within its control.

ARTICLE 24

NOC Notification of Infringements

NOC 147 In order to facilitate the application of the provisions of Article 41 of this Constitution, Members undertake to inform one another of infringements of the provisions of this Constitution, the Convention and of the Administrative Regulations.

ARTICLE 25

NOC Priority of Telecommunications
Concerning Safety of Life

NOC 148 The international telecommunication services must give absolute priority to all telecommunications concerning safety of life at sea, on land, in the air or in outer space, as well as to epidemiological telecommunications of exceptional urgency of the World Health Organization.

ARTICLE 26

MOD Priority of Government Telecommunications

MOD 149 Subject to the provisions of Articles 25 and 31 of this Constitution, government telecommunications (see No. [2018]) shall enjoy priority over other telecommunications to the extent practicable upon specific request by the originator.

ARTICLE 27

NOC

Special Arrangements

MOD

150

Members reserve for themselves, for the private operating agencies recognized by them and for other agencies duly authorized to do so, the right to make special arrangements on telecommunication matters which do not concern Members in general. Such arrangements, however, shall not be in conflict with the terms of this Constitution, of the Convention or of the Administrative Regulations, [annexed thereto]¹, so far as concerns the harmful interference which their operation might cause to the radio services of other Members, and in general so far as concerns the technical harm which their operation might cause to the operation of other telecommunication services of other Members.

ARTICLE 28

NOC

Regional Conferences, Arrangements and Organizations

NOC

151

Members reserve the right to convene regional conferences, to make regional arrangements and to form regional organizations, for the purpose of settling telecommunication questions which are susceptible of being treated on a regional basis. Such arrangements shall not be in conflict with either this Constitution or the Convention.

¹ Subject to the outcome of Committee 9.

CHAPTER III

Special Provisions for Radio

ARTICLE 29

Use of the Radio-Frequency Spectrum
and of the Geostationary-Satellite Orbit

- NOC 152 1. Members shall endeavour to limit the number of frequencies and the spectrum space used to the minimum essential to provide in a satisfactory manner the necessary services. To that end they shall endeavour to apply the latest technical advances as soon as possible.
- MOD 153 2. In using frequency bands for space radio services, Members shall bear in mind that radio frequencies and the geostationary-satellite orbit are limited natural resources and that they must be used rationally, efficiently and economically, in conformity with the provisions of the Radio Regulations, so that countries or groups of countries may have equitable access to both, taking into account the special needs of the developing countries and the geographical situation of particular countries.

ARTICLE 30

Harmful Interference

- NOC 154 1. All stations, whatever their purpose, must be established and operated in such a manner as not to cause harmful interference to the radio services or communications of other Members or of recognized private operating agencies, or of other duly authorized operating agencies which carry on radio service, and which operate in accordance with the provisions of the Radio Regulations.
- NOC 155 2. Each Member undertakes to require the private operating agencies which it recognizes and the other operating agencies duly authorized for this purpose, to observe the provisions of No. 154 of this Constitution.
- MOD 156 3. Further, the Members recognize the necessity of taking all practicable steps to prevent the operation of electrical apparatus and installations of all kinds from causing harmful interference to the radio services or communications mentioned in No. 154 of this Constitution.

NOC

NOC

Radio stations shall be obliged to accept, with absolute priority, distress calls and messages regardless of their origin, to reply in the same manner to such messages, and immediately to take such action in regard thereto as may be required.

NOC

NOC

Members agree to take the steps required to prevent the transmission or circulation of false or deceptive distress, urgency, safety or identification signals, and to collaborate in locating and identifying stations under their jurisdiction transmitting such signals.

NOC

MOD

1. Members retain their entire freedom with regard to military radio installations.

NOC

2. Nevertheless, these installations must, so far as possible, observe statutory provisions relative to giving assistance in case of distress and to the measures to be taken to prevent harmful interference, and the provisions of the Administrative Regulations concerning the types of emission and the frequencies to be used, according to the nature of the service performed by such installations.

NOC

3. Moreover, when these installations take part in the service of public correspondence or other services governed by the Administrative Regulations, they must, in general, comply with the regulatory provisions for the conduct of such services.

CHAPTER IV

NOC **Relations With the United Nations
and With International Organizations**

Article 34

NOC **Relations With the United Nations**

NOC 162 The relationship between the United Nations and the
International Telecommunication Union is defined in the Agreement
concluded between these two organizations.

SUP 163

ARTICLE 35

NOC **Relations With International Organizations**

NOC 164 In furtherance of complete international coordination
on matters affecting telecommunication, the Union shall cooperate
with international organizations having related interests and
activities.

ARTICLE 45

NOC **Relations With Non-Members**

NOC 197 Each Member reserves to itself and to the recognized
private operating agencies the right to fix the conditions on
which it admits telecommunications exchanged with a State which is
not a Member of the Union. If a telecommunication originating in
the territory of such a State is accepted by a Member, it must be
transmitted and, insofar as it follows the telecommunication
channels of a Member, the obligatory provisions of this
Constitution, of the Convention and of the Administrative
Regulations and the usual charges shall apply to it.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 370-E
29 June 1989
Original: French

SUMMARY RECORD
OF THE
EIGHTH MEETING OF COMMITTEE 4
(FINANCE)

Wednesday, 21 June 1989, at 1440 hrs

Chairman: Mr. M. GHAZAL (Lebanon)

Subjects discussed:

Documents

- | | | |
|----|---|---------------------------|
| 1. | Recapitulation of proposals for amendments to the Constitution and the Convention (continued) | DT/25(Rev.1),
112, 352 |
| 2. | Arrears - Republic of Liberia | 289, 301 |
| | Arrears - Islamic Federal Republic of the Comoros | 365 |
| 3. | Limits on Union expenditure for the period 1990-1994 | DT/6,
DT/58 |

N:\PP-89\DOC\300\370E.TXS

1. Recapitulation of proposals for amendments to the Constitution and the Convention (continued) (Documents DT/25(Rev.1), 112 and 352)

Nos. [619] 387, [620] and [621] 389f were approved unchanged.

1.1 The Chairman noted that No. [621a] 389a had been proposed by Argentina with the support of the delegate of Spain.

1.2 The delegate of Spain said that most countries did what they could to recover the debts of the private operating agencies they had recognized and thought it unnecessary to add rules to that effect in the Convention if Members did not assume their responsibilities. The problem of recognized private operating agencies which fail to fulfill their obligations towards the Union should be dealt with in a Resolution or a Recommendation.

1.3 The Secretary of the Committee explained how the Administrative Council currently dealt with the problem. If an RPOA or an ISO fell three or four years in arrears, the Administrative Council suspended the organization after notifying it and stopped sending it documents. If two or three years later the debts had still not been settled, they were cancelled and the organizations were excluded from the work of the CCIs. When an RPOA or ISO was late with a contribution, the first step, however, was to inform the administration which had authorized it to take part in the work of the CCIs and to ask it to take action. That approach generally produced satisfactory results.

1.4 The delegate of France pointed out that the problem was discussed practically every year in the Administrative Council. She did not think that special rules were necessary in the Convention, since the existing system worked satisfactorily. In her opinion, administrations should continue to do what they could to recover debts, although they should not be held liable.

1.5 The Chairman proposed not considering the proposal presented by Argentina.

It was so decided.

Nos. [622] 390, [623] 391, [624] 392 and [625] 393 are approved.

1.6 The delegate of Canada presented his Delegation's proposal concerning No. [626] 394A. Noting that the ITU took part more and more often in both world and regional telecommunication exhibitions and that those activities were increasingly important and successful, she hoped that transparency would be ensured. She regretted that an annual report was not produced showing the financial management of the activities. She proposed that the budget of TELECOM exhibitions should be included in a special account, which would be submitted by the Secretary-General for the approval of the Administrative Council. Canada's proposal was supported by the delegates of the United Kingdom and France.

1.7 The delegate of France said she was all in favour of budgetary transparency, but suggested a few modifications to Canada's proposal. It would be preferable to include the expenses and revenues of TELECOM exhibitions as an item of the ordinary budget rather than in a separate budget and the provisions proposed by the delegate of Canada should be included in the Financial Regulations rather than the Convention.

1.8 The delegate of Lebanon agreed with the delegate of France.

1.9 The delegate of the United Kingdom approved the idea of a special account which could be checked and submitted to a separate accounting procedure. He did not consider it necessary to include the proposed provisions in the Convention and suggested, like the delegate of France, that they could be included instead in the Financial Regulations. The special account could cover both the TELECOM exhibition which was held every four years and any other events away from Geneva in which the Union took part.

1.10 The delegate of Morocco supported Canada's proposal and the statement by the delegate of France.

1.11 The delegate of Romania suggested that the decision should be included in a Recommendation or a Resolution giving instructions to the Administrative Council.

1.12 The delegate of Indonesia also thought that having a special account was a sound accounting principle. He drew the delegate of Canada's attention to Document 237, in which Indonesia and many other countries recommended that a substantial part of any surplus revenues produced by the exhibitions should be devoted to technical cooperation activities in favour of developing countries. He also asked the delegate of Canada to explain the exact purpose of her proposal.

1.13 The Chairman recalled that the Administrative Council had always considered that any income produced by exhibitions should contribute towards making good the deficit of technical cooperation.

1.14 The Secretary of the Committee said that the Secretary-General usually reported the net result of every exhibition to the Administrative Council. He explained to the delegate of France that the expenses and revenues of TELECOM activities could not be included as a budget item, since they arose every four years whereas the budget was annual. Thus for accounting reasons a special account would be preferable.

As advocated in Opinion No. 3 of the Nairobi Convention, a major part of the profits of TELECOM activities had gone to technical cooperation activities (400,000 Swiss francs had been paid into telecommunications for development and 1,200,000 Swiss francs had been used to offset partially the shortfall on arrears accounts, i.e., 300,000 Swiss francs, had been carried forward to constitute the working fund for TELECOM 1991). Furthermore, all staff working for TELECOM were debited to the TELECOM account, and no senior staff worked full time for TELECOM. All the accounts, including those of TELECOM exhibitions, were checked by the external auditors of the Union's accounts. The Administrative Council had to take note of the Report on TELECOM 1987 at its 44th session.

It might be useful to introduce some Articles in the Financial Regulations on activities related to TELECOM exhibitions.

1.15 The delegate of Canada accepted the idea of letting the Administrative Council introduce appropriate changes in the Financial Regulations. In reply to the delegate of Indonesia, she explained that the intention behind her proposal had been to ensure financial transparency. With regard to Document 237, she was in favour of devoting part of the income produced to technical cooperation.

The delegate of Mali supported the proposal.

1.16 The delegate of Japan agreed with the delegates of Canada and Spain that the scope of the provision should be extended to cover not only the world TELECOM exhibition but also all exhibitions and events held under ITU auspices and any future events of the same kind.

1.17 The delegate of Indonesia was prepared to accept the Canadian proposal, so long as the provision was included in the Financial Regulations. He referred in that respect to the last line of paragraph 7 of No. [626] 394.

1.18 The Chairman took note of the general consensus in favour of including the proposed provision in the Financial Regulations.

1.19 The Secretary of the Committee said that a Committee 4 report to the Plenary Meeting would be established proposing to instruct the Secretary-General to introduce in the revised version of the Financial Regulations, which was to be submitted to the next meeting of the Administrative Council, a special chapter on world and regional telecommunications exhibitions and other similar events.

The Committee took note of the procedure which had just been approved concerning No. 394A.

1.20 The Chairman invited the Committee to consider Additional Protocol I.

1.21 The delegate of the United Kingdom said it was a modest proposal, which was intended merely to ensure that Additional Protocol I established a budgetary limit on the expenditure of regional conferences, as it did for world conferences. The measure, which would help administrations plan their budget for regional conferences, was a matter of good discipline, which was in everyone's interest.

1.22 The proposal of the United Kingdom was supported by the delegates of France, Spain, the United States, Philippines and Sweden.

1.23 The delegate of Spain fully supported the United Kingdom's proposal and even advocated modifying relevant Articles of the Convention or Constitution concerning the Union's finances (especially Article 15) along the same lines.

1.24 The Chairman thought it would be useful to institute a safeguard mechanism for future regional conferences. The question was in which document the new rule should be introduced. The simplest for the time being would be to adopt the United Kingdom's proposal and include it in the Additional Protocol.

1.25 The delegate of France supported the United Kingdom's proposal. She did not think, however, that the provision should be inserted in the Convention or the Constitution and suggested including it instead in a Recommendation or other type of document.

The delegate of the United States supported the United Kingdom's proposal, on the grounds that it favoured a better planning of expenditure and better management by administrations.

The delegate of Sweden fully supported the proposal by the delegate of the United Kingdom.

1.26 The delegate of Thailand was prepared to accept the United Kingdom's proposal and agreed with the delegate of Canada regarding the transparency of management and the revision of the Financial Regulations by the Administrative Council.

1.27 The delegate of Canada asked for some clarification regarding the establishment of ceilings.

1.28 The delegate of the United Kingdom said that the Administrative Council was responsible for establishing ceilings for Plenipotentiary Conferences and world administrative conferences, so that it was reasonable for the Council also to authorize expenditure for regional conferences.

1.29 The delegates of Mali and Burkina Faso supported the proposal.

1.30 The delegate of Canada wondered whether the decision should be taken by all the Members of the Union or only by the Members of the Region concerned.

1.31 The Secretary of the Committee said that the ceiling covered all expenditure on conferences, preparatory meetings and activities between sessions and that the Administrative Council was responsible for deciding which Members should contribute to the expenditure. As far as ceilings were concerned, the calculation was the same for a world or for a regional conference.

Proposal G/82/15 was approved unanimously.

Document 112 (proposal by Chile)

1.32 The delegate of Chile said that after reviewing the ITU's financial management during the period 1983-1989 and bearing in mind the results achieved, he wished to make two proposals.

Proposal CHL/112/1 stressed the importance of the structure of Additional Protocol I to the Nairobi Convention, even if it was to be replaced by a Resolution. The existing provision in Protocol I should therefore be kept in the next instrument adopted.

As regards proposal CHL/112/2, he thought there might be some doubts with regard to the financial implications of above-ceiling expenditure. The Administrative Council should therefore be instructed to take measures to improve the weighting of the factors considered in 4.1, 4.2 and 4.3 of Additional Protocol I.

The delegate of Chile withdrew proposals CHL/112/3 and CHK/112/4, in view of the decision taken by Committee 6.

1.33 The delegate of Spain considered that the Chilean Delegation's first two proposals ought to win general support from delegates, since what they said was obvious, and indeed unarguable.

1.34 The Chairman fully agreed with the delegate of Spain on the first proposal, but pointed out that the second proposal suggested that the Administrative Council should be instructed to take certain measures if the Conference decided not to make any changes in 4.1, 4.2 and 4.3 of Additional Protocol I in view of the financial implications of above-ceiling expenditure. He asked the delegate of Chile whether he wished to press his proposal.

1.35 The Secretary of the Committee thought that the Committee could consider the proposal again when the Resolution intended to replace Additional Protocol I was referred to it for consideration by Committee 9.

1.36 The delegate of France said he understood that the budget included expenditure subject to a ceiling, for conferences, meetings of the International Consultative Committees and seminars, and above-ceiling expenditure, as the delegate of Chile had indicated. The ITU had no control over salary scales, pension contributions or post adjustment rates adopted by the United Nations, any more than it had over the exchange rate between the Swiss franc and the United States dollar, not to mention the purchasing power of the Swiss franc. Those types of expenditure had to be taken into account, but could not be regulated, and he therefore suggested that, since the ITU bore the consequences of decisions taken in New York, the Committee should merely take note of the Chilean delegate's proposal.

1.37 The delegate of Romania considered that a different system from the one applied to New York staff ought to be applied to Geneva staff, because their salaries depended on the cost of living in Geneva, not in New York. He therefore proposed that a Working Group should be set up to consider the question in detail.

The delegate of Spain expressed the opinion that the question was more one for Committee 5. The Chairman asked the delegate of Romania to contact the Secretary of the Committee and the Director of the Department of Personnel for further information.

Document DT/25(Rev.1), as amended, was approved.

Document 352

1.38 The Chairman said that the Committee had before it a note addressed to him concerning a proposal by nine Caribbean countries.

1.39 The delegate of Jamaica, introducing Document 352, said that it asked for the least developed countries to be allowed a class of contribution of 1/16 unit and that the same class should be available for very small countries that were not yet Members of the Union.

In the annex to the document, there was a draft Resolution No. COM4/6 concerning contributory shares in Union expenditure.

He pointed out in that connection that when Resolution No. 49 had been revised, it would also be necessary to change Resolution No. 50, which was concerned with transitional arrangements to permit early implementation of Resolution No. 49.

1.40 The Chairman asked whether any delegations were against the proposal.

1.41 The delegate of France said he was not against the proposal, but would like further information. If the 1/16 unit class was to be confined to the least advanced countries and very small countries that were not yet Members of the Union, he would like to have a complete list of those countries; the draft Resolution cited four or five countries as examples, and he wondered whether that list was limitative.

1.42 The delegate of Thailand considered that the French delegate's question was justified.

The delegate of the United Kingdom said he would like to make some editorial amendments: for example, in sub-paragraphs a) and b), under "considering", there should also be a reference to the 1/8 unit class.

The Chairman suggested that the delegates of the United Kingdom, France and Spain should be asked to meet in order to formulate their amendments.

It was so decided.

1.43 The delegate of Australia pointed out that the last paragraph referred to the 1/8 unit class when what was meant was rather the 1/4 unit class.

1.44 The delegate of Mali asked for a precise definition of the words "very small countries".

1.45 The delegate of Papua New Guinea considered that the delegate of Mali was right to ask for a precise definition of "very small countries". The examples given in the draft Resolution were isolated small islands, in which telecommunications were essential in emergencies. He would like his own country to be added to those mentioned.

1.46 The delegate of Burkina Faso suggested that the reference should be to "new Member countries" rather than "very small countries".

The delegate of Spain pointed out that the list given in draft Resolution No. COM4/6 was more limited, which was an advance on Nairobi Resolution No. 50. He thought there was no good reason to revise Resolution No. 49, except with regard to the minimum contributory units.

The delegate of France considered that the matter should be governed by the decisions of the Administrative Council, which had already established criteria applicable to "very small countries".

Document 352, as amended, was approved.

2. Arrears - Republic of Liberia, Islamic Federal Republic of the Comoros
(Documents 289, 301 and 365)

Situation of Liberia

2.1 The delegate of Liberia, introducing Document 289, said that his country had suffered from natural disasters, leading to considerable losses and serious economic problems, which the world economic situation had only made worse. Liberia attached great importance to the work of the ITU and wanted to honour its obligations to the Union. It undertook to pay its unpaid contributions for 1978-1989 over a period to be agreed and asked that the amount of the unpaid contributions to be transferred to the special arrears account should not bear interest and should not be taken into account for the purposes of No. 117 of the Convention.

2.2 The Secretary of the Committee, introducing Document 301, said that the annex showed the situation with regard to sums owed by Liberia. Its unpaid contributions for 1979-1989 amounted to a total of 971,090 Swiss francs and the interest to 514,766.50 Swiss francs. Liberia was asking for the latter amount to be written off. The amount of unpaid contributions could be paid off in stages and would not incur any more interest. In addition, the sum outstanding would not be taken into account for the purposes of No. 117 of the Convention. If the proposal was accepted, the Secretary-General would contact the Liberian Delegation to see when the sum due could be paid.

2.3 The Chairman invited the Committee to take a decision on the question.

2.4 The delegates of the People's Republic of China, Colombia, Sudan, Jamaica, Nigeria, Morocco, the United Kingdom, Kenya, the Islamic Republic of Iran, Burkina Faso, the Philippines, Guinea, the Republic of Korea, Mali, Indonesia, Senegal, Thailand and the Netherlands supported the Liberian request.

2.5 The delegate of Papua New Guinea, who also supported the request, pointed out that Document 181 contained a recapitulation of accounts in arrears for the years 1971-1987 and emphasized that every country ought to make an effort to honour its obligations towards the Union or request a review of its case. The delegates of Thailand and the Netherlands supported that statement.

Document 289 was approved.

2.6 The Chairman expressed the hope that other countries in arrears would also make an effort to discharge their obligations towards the Union.

Situation of the Islamic Federal Republic of the Comoros

2.7 The delegate of Senegal said that the delegate of the Islamic Federal Republic of the Comoros, who was unavoidably absent, had asked him to introduce Document 365 on his behalf. The document was similar in many ways to Document 289 and could be approached from the same standpoint. For the period 1978-1989, the arrears of contributions of the Comoros amounted to 897,930.65 Swiss francs, of which 612,205.20 Swiss francs represented contributions and 285,725.45 Swiss francs interest due on the arrears. In view of its economic difficulties and the natural disasters by which it had been beset, the country was asking for the interest to be written off and for the Union to give it a chance to pay off the arrears without interest in stages in accordance with its capacity to pay. The Delegation of Senegal supported that request.

2.8 The Chairman suggested that the document should be treated like the one on Liberia and asked if delegates which had supported that country also supported the request by the Comoros.

That being so, Document 365 was approved.

2.9 The Chairman asked Committee 4 to authorize him to approach the Plenary Meeting with a view to getting the two countries' right to vote restored.

It was so decided.

3. Limits on Union expenditure for the period 1990-1994 (Documents DT/6 and DT/58)

3.1 The Chairman invited the Committee to consider the updating of the provisional budget of the Union for 1990 (Document DT/6).

3.2 The Secretary of the Committee, in the absence of the Secretary-General, said that at its 44th session the Administrative Council had approved a provisional budget, given that the Plenipotentiary Conference would have to take decisions which might affect the budget for 1990. The budget in the Report of the Administrative Council to the Plenipotentiary Conference had been based on the situation with regard to salaries, etc. at 1 September 1988. Document DT/6 contained an updating to 1 April 1989. The Committee would have to take that updating as the basis for calculating expenditure ceilings. Expenditure resulting from decisions of the Plenipotentiary Conference would of course have to be added in.

The total for sections 1 to 8 and 0 (Ordinary Budget of the Union) was 92,452,000 Swiss francs. It was 2,904,000 Swiss francs for section 9 (Extended Use of the Computer by the IFRB) and 11,980,000 Swiss francs for sections 11 to 18 (Budget of Conferences and Meetings). Those were three different ceilings. Similarly, Document DT/58 was presented in three separate parts, because they were mentioned separately in Additional Protocol I.

3.3 The Chairman said that the Committee now had to adopt ceilings for the years 1990 to 1994.

3.4 The delegate of the United Kingdom pointed out that the difference between the total approved by the Administrative Council at its 44th session and the total given in Document DT/6 was of the order of 3,000,000 Swiss francs. He asked whether that increase was due to inflation forecast up to the end of 1990. The Secretary of the Committee replied that it resulted from the updating of the budget to 1 April 1989.

3.5 The delegate of the United Kingdom said he would like to have a forecast up to the end of 1990. He was supported by the delegate of Colombia.

3.6 The delegate of Romania pointed out that the extra amount due to fluctuations in the exchange rate in particular would presumably increase and asked where the additional resources needed would be obtained.

3.7 The Secretary of the Committee pointed out that while the Committee had to fix the ceilings for the next five years, it was for the Administrative Council to adopt the draft budget. As far as the extra 3,000,000 Swiss francs was concerned, the Administrative Council would have to find additional income and, perhaps, adjust the amount of the contributory unit.

Replying to a request for an explanation by the delegate of the United States, the Secretary observed that the draft budget considered by the Administrative Council at its 44th session had been updated to allow for changes in the conditions of employment. The budget submitted in Document DT/6 was a final one, but was still provisional in nature and would not be truly final until the Administrative Council had approved it at its session on 30 June, due account also being taken of the decisions of the Conference.

3.8 The delegate of Byelorussia pointed out that ceilings had to be before the next session of the Administrative Council. He shared the United Kingdom delegate's concern about the increase in the total budget.

3.9 The delegate of Benin considered that although Document DT/6 was a useful reference document, Document DT/58 was the one that should be taken as a basis for considering the question of ceilings.

3.10 The delegate of the United Kingdom shared the Benin delegate's view on that point. Referring to the statement by the delegate of Romania, who had asked where the extra income needed to finance the increase in the budget caused by inflation would come from, he said it was obvious it would mean an increase in each contributory unit, so that it would be Members who would have to provide the extra income. He insisted on his right to put any questions he saw fit on Document DT/6.

3.11 The delegate of Indonesia proposed that when it took up the next document, the Committee should also consider Document 227, which was a note by the Chairman of Committee 6 to the Chairman of Committee 4. That document and the ones it referred to were of great importance for Committee 6.

3.12 The Secretary of the Committee explained that all decisions by the different Committees were taken into consideration in Document DT/58, which was automatically updated as the Committee Secretariat learnt of new documents.

3.13 The delegate of Benin, referring to the last column of Document DT/6 ("Final budget 1990"), said that the expenditure resulting from the work of Committee 6 was not affected by the rate of exchange and asked why figures affected by the rate of exchange were added to figures that were not.

3.14 The Secretary of the Committee said that as far as possible every effort had been made to keep the figures as given in the documents submitted to the different Committees, and particularly Committee 6. There was just one modification in c), the amount being sufficiently high to be adjusted as at 1 April 1989. It had not been thought necessary to adjust the other amounts, either because the differences were very small or because they related to fellowship programmes that were not affected by the United Nations Common System.

The meeting rose at 1745 hours.

The Secretary:

R. PRELAZ

The Chairman:

M. GHAZAL

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 371-E

6 July 1989

Original: French

COMMITTEE 6

SUMMARY RECORD

OF THE

TENTH MEETING OF COMMITTEE 6

(TECHNICAL COOPERATION)

Wednesday, 21 June 1989, at 0930 hrs

Chairman: Mr. H. VIGNON (Benin)

Subjects discussed:

Documents

- | | | |
|----|--|---|
| 1. | Approval of the summary record of the sixth meeting of Committee 6 | 268 |
| 2. | Draft Resolutions | DT/59 |
| 3. | Centre for Telecommunications Development | 34
INS/MLA/PHL/SNG/THA/52/4
185, 146,
J/111/2 and 9,
160, 244 |

1. Approval of the summary record of the sixth meeting of Committee 6
(Document 268)

The summary record was approved, subject to the same reservation as for the other reports, namely, that delegates wishing to publish corrigenda should submit them in writing to the Secretariat.

The Chairman apologized to those delegates who had pointed out that the summary records drew no distinction between male and female delegates. Precise instructions had now been given and the necessary distinction would be made in the summary records of the seventh and subsequent meetings.

2. Draft Resolutions (Document DT/59)

Draft Resolution No. COM6/18 (Resolution No. 24 of the Nairobi Plenipotentiary Conference)

2.1 The Chairman recalled that it had been decided to cancel Nairobi Resolution No. 24, which referred largely to decisions taken prior to the 1982 Plenipotentiary Conference. However, some delegates had pointed out that the problem of telecommunications infrastructure and socio-economic development was still topical and that the spirit of such a Resolution remained valid. That concern was reflected in Resolution No. COM6/18 (Document DT/59) which replaced Resolution No. 24. Its title had been amended by the addition of the words "and cultural" and an editorial correction had been made to the first "recognizing" paragraph towards the bottom of page 6, which should read as follows: "... world economic situation, there is a continuing constraint of resources in most ...".

2.2 The delegate of the Federal Republic of Germany enquired whether there was any special reason why the layout of the document was not the same as that of other similar documents. A large number of amendments and additions was involved. The Chairman explained that it had been difficult to keep the same layout as for other draft Resolutions owing to the large number of references that had been deleted; however, the spirit of the text remained unchanged.

2.3 The delegate of France shared the delegate of the Federal Republic of Germany's views concerning the layout of the draft Resolution: the text was not at all the same as the one submitted at Nairobi, although he agreed that its substance was identical. He would have preferred a uniform layout of Resolutions with a clear indication of the changes made in relation to the previous text.

2.4 The Chairman said that the Federal Republic of Germany's proposal would be taken into account since it had been supported by France. When Document DT/59 was transmitted to the Plenary Meeting for consideration, it would show the old and new versions of the Resolution on the same page.

It was so decided.

Draft Resolution No. COM6/17 (Resolution No. 18 of the Nairobi Plenipotentiary Conference)

2.5 The Chairman observed that the text was based on Nairobi Resolution No. 18. The proposed wording took into account the discussions and decisions relating to Document 33.

- 2.6 The delegate of France said it was unfortunate that, despite its merits the document should be taken up immediately since France had a draft Resolution to submit concerning the future of the Centre for Telecommunications Development. For instance, the French Delegation would have preferred the function listed first under "decides 3" to be entrusted to the Centre. Replying to a request by the Chairman for further information on the matter, he said that it seemed premature to adopt the text before the discussions on the Centre had taken place. It might therefore be more judicious purely and simply to delete the function in question.
- 2.7 The delegate of the United Kingdom said that the text submitted went beyond the scope of the matters dealt with in Document 33 and was in fact closely related to issues that were being discussed by other committees or working groups during the present Conference. The precise context in which the draft Resolution should be placed was therefore not clear, for the Chairman's covering note referred to discussions in Committee 6. The text should quite rightly serve, inter alia, to sum up the issues discussed during consideration of Document 33. She was prepared to take up the text but was uncertain as to what its limits should be. Like the French delegate, she considered that the Resolution was more than a mere summary, that Committee 6 was breaking new ground and that it should bear in mind that the future role of the Centre had not yet been discussed, nor was information yet forthcoming about the terms of reference of the Telecommunications Development Bureau (BDT).
- 2.8 The Chairman considered that the framework within which the Committee was to consider the draft Resolutions should indeed be specified. The purpose of Document 33 was to improve the TCD's existing technical cooperation activities without prejudice to any future decision concerning the BDT. The aim was to do as well as possible what had been done up to the present. Any new cooperation organ would necessarily be based on what had been achieved hitherto and the Committee's objective was therefore to ensure that the most appropriate measures were taken to enable that work to continue. The aim of Document 33, was precisely to strengthen technical cooperation as it already existed.
- 2.9 The delegate of Ethiopia said that the note transmitted by the Chairman of Committee 7 should perhaps be considered. When the duties of Committee 6 had been established, there had been no question of creating a new organ. The Committee's discussions should therefore focus on technical cooperation activities designed to improve telecommunication networks and services. The different areas on which the Technical Cooperation Department might concentrate for developing its activities were listed under "decides 3" of Resolution No. COM6/17. It might be advisable to postpone consideration of the draft Resolution until the Centre had been discussed.
- 2.10 The delegate of the German Democratic Republic agreed that consideration of the Resolution should be postponed. The text should perhaps be transmitted to the Plenary Meeting, which would be in possession of all the necessary information concerning the TCD, the Centre and the new organ.
- 2.11 The Chairman suggested, in the light of the comments by previous speakers, that the draft Resolution should be referred for consideration to the Plenary Meeting following the discussions on the Centre and the Telecommunications Development Bureau.

It was so decided.

3. Centre for Telecommunications Development (Documents 34, INS/MLA/PHL/SNG/THA/52/4, 185, 146, J/111/2 and 9, 160, 244)

3.1 The Chairman gave the floor to the Deputy Secretary-General to introduce Document 34, entitled "Report concerning the Centre for Telecommunications Development". He recalled that one of the main recommendations of the Independent Commission had been for the establishment of a Centre for Telecommunications Development with the mandate and conditions of operation set out in Chapter 8 of the Report entitled "The Missing Link". The Centre had been set up in 1985 by Administrative Council Resolution No. 929. Document 34 described the Centre's development and present situation. With minor amendments by the Administrative Council, the Report of the Centre's Advisory Board was submitted to the Committee for consideration and would also be the subject of an oral report by the Executive Director of the Centre.

3.2 The Executive Director of the Centre recalled the circumstances surrounding the creation of the Centre and its subsequent development. The Centre's history was outlined in a number of documents (brochures, bulletins, list of references) made available to delegates. As the Secretary-General himself had said, both technology and resources were available within the international community; the only thing missing was coordination machinery. The Centre had become operational in April 1987 and had immediately started to consider projects for strengthening the telecommunication sector. So far it had taken action on 62 requests for assistance. It had been rather slow in getting off the ground owing to the protracted general discussions that had taken place in the Advisory Board. However, the Centre was now operational and needed further financial contributions. Total contributions had increased each year, amounting in 1988 to 3 million Swiss francs in cash, plus a further 3 million Swiss francs of contributions in kind. It should be borne in mind that those funds were additional to the Union's internal technical assistance funds. The Centre's work up to the present time enabled the following conclusions to be drawn:

- 1) the Centre's activity did not duplicate that of the Technical Cooperation Department; activities were coordinated from day to day as well as through joint monthly meetings;
- 2) financing for the Centre was increasing as a result of the pledges made during the Conference, although considerable amounts still had to be found for financing those projects which it had not yet been possible to implement;
- 3) the Centre had started to promote investment for development projects;
- 4) it would be a further three to five years before the Centre's viability could be demonstrated;
- 5) the Centre's activities were clearly described in the documents mentioned, which could be consulted for further information;
- 6) any merger which took place should be between the Special Voluntary Programme and the Centre.

He stressed the importance of the points made in paragraphs 3.1.5 and 3.1.6 on page 11 of Document 34, particularly the Board's four recommendations. In connection with section 3.2 on the funding of the Centre, he informed the Committee that two appeals had been launched, at a dinner in Singapore in February and a luncheon in New York attended by private companies and the Department of State of the United States. He drew attention to the need to set up machinery for ensuring the adequate and stable funding for the Centre's basic activities (paragraph 3.2.6) and to the five reasons for which the Advisory Board had concluded that a merger of the TCD and the Centre would be premature (paragraph 3.3.4). In his view, the objectives set for the Centre were not over-ambitious. Neither of the Centre's two Directors took that view; however, they both considered that the funds devoted to those objectives were sadly inadequate.

3.3 The Chairman observed that he had a long list of speakers but that, first of all, the other relevant documents should be introduced by the countries which had submitted them.

3.4 The delegate of Indonesia, speaking on behalf of the group of five countries sponsoring Document 52, said that the group fully endorsed the report in Document 34, especially section 3 (page 10). In Document 52, it agreed wholeheartedly with the conclusions of the Centre's Advisory Board. Its agreement was based on the following considerations:

- 1) the Centre's separate identity and the fact that its funding came from governments and the private sector;
- 2) the yearly increase in the funds which the Centre had managed to secure for telecommunications development, even if the expected level had not been reached;
- 3) the short time for which the Centre had been active (since April 1987), which meant that it was still too early to judge results and to contemplate a merger with the TCD;
- 4) the fact that the funds secured by the Centre supplemented those available to the ITU for technical cooperation.

Moreover, a merger would provide no guarantee of any increase in the funds available. His Delegation was prepared to consider all possible means of improving matters, including a review of the Centre's mandate as proposed in Appendix 3 to the Advisory Board's report, in order to give it a unique role in its association with the governmental and private sectors for improving its operation and enhancing its complementarity with the TCD.

3.5 The delegate of Burkina Faso said that, taking into account certain proposals, it would be advisable to merge the Centre and the TCD. However, in view of the Centre's "tender age" and the favourable report by its Director, a two-year waiting period was being proposed to allow the Centre time to prove its worth.

3.6 The delegate of Japan observed that his country had consistently supported the Centre's activities both by contributing funds and by seconding personnel; that support was being maintained and was even increasing. While the results had been a little disappointing, the major problem was certainly the shortage of funds. His Delegation attached great importance to the unique nature of the Centre, as reflected in the voluntary funding mechanism involving the private sector, and the Advisory Board made up of highly competent

representatives of the different Member countries. Japan was one of the Centre's major contributors, both in cash and in kind. While it intended to increase its contribution in 1989, it did hope to see the resources used more efficiently. His Delegation considered nevertheless that a merger would be premature since the Centre had been operating for only two years. In view of the shortage of funds, it proposed that the problem should be solved by a new system of affiliation which would enable Members to make a voluntary choice of contributory unit (Document 111). The purpose of the system would be to encourage participation in the Centre's activities while preserving the voluntary nature of contributions.

3.7 The delegate of France expressed the view that technical cooperation was most important and the Centre's difficulties stemmed from its inadequate resources and the dispersal of its efforts (Document 160). The shortage of resources called for serious reflection. An alternative solution should be sought, perhaps by getting the Centre to serve as a development catalyst. According to the World Bank, the percentage of loans for telecommunications development had been falling since 1982 despite the Union's endeavours to secure implementation of the recommendation in "The Missing Link". There should be a systematic and sustained policy for promoting telecommunications development and a specialized permanent organ for playing a high-level role, not only with ministries of telecommunications and planning, or even heads of government, but also with financing agencies. An activity of that type could be entrusted to the Centre. The Centre had been successful in mobilizing greater, albeit still insufficient resources. Its mandate should be adjusted since its resources were not substantial enough to cover its three fields of activity. It should concentrate on only two fields:

- 1) promoting the importance of telecommunications for development and persuading public authorities that telecommunications development was a prerequisite for national development and that priorities had to be set;
- 2) promoting investment in telecommunications among development and financing agencies.

Although Document 160 had been prepared before the Plenipotentiary Conference had decided to set up a new organ, it was still perfectly valid. There certainly was some duplication of effort: a number of projects were funded by financing agencies which generally carried out new studies regardless of those already conducted. The Centre should be consulted on all development projects and should guard against superfluous studies. Both the Canadian and the French Delegations considered that, on the whole, the private sector should welcome the establishment of such a body, under the pragmatic leadership of the Advisory Board, which brought together personalities from different backgrounds but with a single objective, that of developing the telecommunications market. If the Centre succeeded in that specific activity, the telecommunications market would expand as a result of which private-sector funding should also expand.

3.8 The delegate of Canada said that her country favoured stepping up the Union's technical cooperation activities. Canada was a fervent advocate of the Centre, which had received contributions over a three-year period from both the public and the private sectors in Canada. While some criticism was inevitable, the Centre had done a good job, inter alia in securing substantial funds that would not otherwise have been obtained. Its Advisory Board was made up of eminent experts who were well versed in the problems of technical cooperation. After recalling the terms of the recommendations in the Advisory Board's report to the Administrative Council, she said that the Centre's difficulties stemmed

from the fact that it had not placed full emphasis on those of its activities which should normally have distinguished it from the Technical Cooperation Department. It had not differentiated itself sufficiently from the TCD. That was why the Delegations of Canada and France were proposing that it should focus more of its attention on acting as a catalyst for the countries concerned, with a view to promoting the establishment of development policies and securing close collaboration between development agencies. If the Centre was to perform those tasks efficiently, it should work in close collaboration with the TCD while keeping its independence. Spelling out the Centre's mandate and functions more clearly would enable telecommunications development aid programmes to be optimized, all the resources allocated to them to be used and duplication of effort to be avoided. The Centre should be financed from different sources: voluntary funding from governments and the private sector, income from exhibitions and from UNDP, and a voluntary membership system separate from the ITU budget contribution system. In conclusion, she introduced the draft Resolution annexed to Document 160.

3.9 The delegate of the United States introduced Document 244, recalling that the Centre had been operating for two years and had already achieved some results in spite of a difficult start. His Delegation approved the report of the Advisory Board (Document 34) and agreed that the principles which had led to its establishment were still relevant and realistic. Restructuring the Centre's mandate might lead to an increase in contributions from the private sector, but that was a matter for the Advisory Board rather than the Plenipotentiary Conference. While it remained modest, financial support for the Centre had increased each year. Machinery had been set up in several countries to increase the level of funding on condition, naturally, that the Centre's activities were extended for a minimum period of two years. In principle, his Delegation supported the proposal by Canada and France but considered that the Centre should set up its field activities in order to encourage further support from the private sector. Paragraphs b) and c) under "instructs the Secretary-General" in the draft Resolution submitted by the United States (Document 244) pointed to ways of increasing the Centre's finances through excess revenue from exhibitions.

3.10 The delegate of Côte d'Ivoire introduced Document 146 which stressed the crucial importance of the problem of financing the Centre's activities. Although the principle of purely voluntary financing had been accepted initially, a stable financing system should now be introduced to provide the Centre with the resources it needed. In the view of his Delegation, the Centre's present mandate was reasonable. Any merger with the Technical Cooperation Department would be premature; the Centre had to be given the necessary time and resources to prove its worth. However, there was clearly some overlapping between the Centre's activities and those of the TCD, and that should be avoided.

3.11 The Deputy Secretary-General, referring to the Centre's mandate, said that there could be no lasting institutional commitment without political commitment. Any amendment of the Centre's mandate would have to be carried out by the competent bodies, namely, the Administrative Council or the Plenipotentiary Conference. Drawing attention to the annual reports on the operation of the Centre which had been submitted by the Advisory Board to the Administrative Council at its 1986, 1987 and 1988 sessions, he said that the shortage of resources was indeed the crux of the matter and that a large number of proposals were aimed at remedying that difficulty, in particular the proposal relating to excess revenue from TELECOM exhibitions. Much of the income from telecommunication exhibitions organized by the ITU was already used for technical cooperation activities, as advocated in Opinion No. 3 of the

Convention, but that was only a modest source of funds. An exhibitor advisory group had recently recommended that the Secretary-General should use the excess income for enhancing and increasing the participation of developing countries in exhibitions held in Geneva and in the forums organized in conjunction with TELECOM exhibitions.¹ For instance, excess income in 1979 amounting to about 75,000 Swiss francs had been entirely carried forward to TELECOM 1983; in 1983 there had been a surplus of 859,000 Swiss francs, 47% of which had been credited to the Special Fund for Technical Cooperation, 11% to financing the activities of the telecommunications and socio-economic development study group and 42% to TELECOM 1987; the 1987 surplus of 1,966,000 Swiss francs in 1987 had been distributed among the same items. Those were sources of income and there was no doubt room for improvement, but the ITU did not organize commercial exhibitions. Indeed, the conditions governing such exhibitions were set out clearly in Opinion No. 3.

3.12 The delegate of the German Democratic Republic thanked the Executive Director of the CTD for his concise report and expressed appreciation for the Centre's useful activities. He considered that it would be premature to merge the Centre with either the Technical Cooperation Department or the new organ. The Centre should be given a chance to develop its potential. Success always required time. His Delegation opposed the proposals for financing the Centre from ITU resources.

3.13 The delegate of Senegal commended the Executive Director for the high standard of his report (Document 34) and thanked all those delegations which had contributed to the Centre. The present Plenipotentiary Conference should set up a working group to consider the possible merger of the Centre and the Technical Cooperation Department. While the private sector was frequently mentioned in connection with financing, Table 1 of Document 34 showed that direct funding from that sector was practically non-existent. For example, contributions pledged over the years had not materialized. It seemed fairly clear that the Centre's mandate was imprecise, which was an additional disadvantage. In performing its activities, the Centre had had to apply to the Technical Cooperation Department and had used some of its human and other resources; that participation should be quantified financially. The Administrative Council should give the Advisory Board precise instructions to review the Centre's mandate having regard to the decisions of the Plenipotentiary Conference, particularly that relating to the establishment of a new development organ. As to the objective, the Centre's mandate should be redefined; as to time, two years was a short period of activity. The most important issue for the Centre was its investment funding promotion work. In his view, a system of stable contributions for funding the Centre should not be considered because it would be contrary to the spirit in which the Centre had been set up.

3.14 The delegate of Nepal expressed gratitude for the assistance his country had received through the Centre. He supported the recommendation submitted by Indonesia, Malaysia, the Philippines, Singapore and Thailand and endorsed the conclusions of the Advisory Board set out in Document 34.

¹ In the case of regional exhibitions, it was for the host governments to assume responsibility for financial matters; the ITU was paid only for whatever support it provided.

3.15 The delegate of Mali said it would be premature to pass judgement on the Centre's effectiveness at the present juncture and even more so to abolish it altogether, for there seemed to be general agreement regarding the extension of its activities for a further two years.

3.16 The delegate of Brunei Darussalam considered that the proposal to merge the Centre and the Technical Cooperation Department was not timely. Accordingly, his Delegation supported Recommendation No. 4 in Document 52. Furthermore, he agreed with the delegate of the United States that the Centre's mandate should be reviewed by its Advisory Board.

3.17 The delegate of Pakistan expressed the view that the decision to create a new development organ would affect the status of the Centre. That was the context in which any decision should be taken. The Centre's efficiency would not be changed by amending its mandate. The question of funding lay at the heart of the matter, especially when it was recalled that the figure of 10 million dollars had been mentioned in "The Missing Link" simply for managing the Centre. He expressed the hope that the Centre would continue to operate for at least two more years under the same mandate but considered that efforts should be made to secure stable funding.

3.18 The delegate of Guinea said that his Delegation supported the Recommendation in Document 52, but hoped that due attention would be paid to the needs of the developing countries. The Centre should be allowed time to make headway and prove itself before any merger was considered.

3.19 The delegate of Barbados said that the Centre's mandate should be kept as it stood. His Delegation took a favourable view of both paragraph 3.2.6 of Document 34 and the Japanese proposal (Document 111). There was no duplication between the Centre and the TCD and it would be premature to merge them. Although funding for the Centre was at present quite inadequate, he opposed the United States proposal.

3.20 The delegate of Greece recalled that the Centre's mandate had been drawn up by the Independent Commission for World-Wide Telecommunications Development, as set out in Chapter 8 of "The Missing Link". The Centre had been established in order to attract additional resources, largely from the private sector. Implicitly, that meant substantial funds. The credits forthcoming over the past three years had been very limited, possibly because the private sector was not yet fully aware of the Centre's existence. To require the prior agreement of financial backers before master plans were studied seemed to him to encroach upon the sovereign rights of Member States. He could not accept the draft Resolution in Document 160 since it appeared to call for the establishment of a new, separate agency outside the ITU. Neither could he agree to the Centre being financed by UNDP contributions or out of excess income from TELECOM exhibitions which, in any case, was very small. In short, he hoped that the new telecommunications development organ would be able to implement the programme assigned to it, that the Centre would continue to operate for at least two more years and that an urgent appeal would be made for the private sector to set up its funding. The "baby" had to grow. In that connection, he opposed any merger between the Centre and the TCD, which should complement one another. The Centre's mandate might need to be refined but it would be for the Administrative Council to study the matter at the appropriate time. If the Centre was unable to provide the services requested of it, it was not because its mandate was inadequate but, rather, because it lacked the financial resources to do so.

3.21 The delegate of Tanzania said that a stable budget was the prerequisite for the Centre's success. The Conference might wish to start investigating possibilities in that respect. The financing and operation of the TCD and the Centre should also be studied with a view to ensuring that there was no duplication of effort.

3.22 Replying to several speakers, including the delegate of Senegal, the Executive Director explained the nature of the contributions mentioned in Table 1 of Document 34. Altogether there had been 110 contributions from 29 countries. Contributions in kind could not be transferred from one year to another. The six million Swiss francs received by the Centre were equal to the funds entered each year in Section 7 of the Technical Cooperation budget and they were additional funds. If the Centre were able to rely on receiving more than five million dollars a year, it might conceivably be made independent from the ITU. But in that case, how would coordination be ensured? It should again be emphasized that there was no duplication between the activities of the Centre and those of the TCD. The Centre's future resources would depend on the decisions of the present Conference, in an environment which included a world telephone stock of 600 million sets and a turnover of US \$ 600 billion. Resolutions adopted by the development conferences held at Tunis and New Dehli called for equipment manufacturers to increase their contributions to the Centre. It was also worth noting that:

- the Centre had up to present been focusing its attention on the engineering rather than the investment sector;
- its officials nevertheless had many contacts with banks (ADB, BIRD) and with national finance and planning ministries;
- the Centre's activities had resulted in investments amounting to some US \$ 200 million;
- contacts were maintained with WHO, WMO and FAO to further the development of rural telecommunications that was so essential to all forms of rural development.

3.23 With a view to concluding the Committee's discussion of the subject, the Chairman said he would endeavour to sum up the different aspects of the situation. Document 34 had received overall support from members of the Committee and there was general agreement that the Centre should continue to operate for at least two more years under its present structure and with its present fairly broad mandate. The new ideas put forward during the discussions, provided food for thought, but it was not the role of the Plenipotentiary Conference to modify the Centre's mandate. That task should be left to the Administrative Council. With regard to the specific proposal by the United States, he noted that many delegations had misgivings about using excess income from TELECOM exhibitions. The Centre should preserve the special character conferred upon it by the Independent Commission, namely, to attract resources from the private sector. On the other hand, interest had been expressed in the system of affiliation proposed by Japan.

3.24 The delegate of the United States said that there had been a misunderstanding. His proposal was certainly not that the Centre should be financed exclusively out of surplus income from TELECOM exhibitions, but that such income should be used to supplement the contributions from the private sector. However, he agreed to withdraw his proposal.

3.25 Turning to the Japanese draft Resolution, the Chairman observed that no delegation had expressed opposition, if the aim was really to secure stable funding from the private sector.

3.26 Replying to the delegate of France who asked whether the present Conference would be instructing the Administrative Council to study and establish the procedure for a new mode of operation between the Centre and the ITU, in accordance with the proposal in Document 160 and Administrative Council Resolution No. 929, the Chairman said that the Conference would not amend the Centre's mandate but would transmit the various proposals to the Administrative Council.

3.27 In reply to comments by the delegates of Greece and Colombia, the delegate of France said that the second part of the penultimate paragraph on page 3 of Document 160 was certainly not intended to pose a threat to national sovereignty.

3.28 The delegate of Colombia opposed the draft Resolution in Document 160 and advocated a study, to be coordinated by the Administrative Council, of the Centre's functions.

3.29 The delegate of Ethiopia observed that Document 160 had been prepared prior to the decision to set up a new technical cooperation organ and that some of the material it contained was no longer relevant. He could not, however, approve the document as a whole.

3.30 The delegate of the United Kingdom fully endorsed the Chairman's very fair summing up of the situation and said that it should be referred to the Administrative Council which would then be able to act on the proposals discussed, particularly the one by the Japanese Delegation.

3.31 The delegate of Costa Rica also commended the Chairman for his excellent summing up: It was most appropriate that the Centre should continue to be financed by the private sector. The establishment of a new technical cooperation organ would certainly call for the Centre's functions to be reexamined. The Centre had been set up to meet the need for a liberal vector for telecommunications development, in the form of a semi-autonomous body. It was natural that the Administrative Council rather than the Advisory Board should be responsible for redefining the Centre's mandate. The Centre should be given at least two more years to live and the Administrative Council would decide on its future.

3.32 The delegates of Cameroon and the United States, speaking on a point of order, proposed that the discussion should be continued at a subsequent meeting.

It was so decided.

The meeting rose at 1305 hours.

Note - Prior to publication of this document, the delegate of Iran submitted the following statement for inclusion in the summary record:

"To be in line with the conclusions of the Advisory Board as reported by the Secretary-General in Document 34, i.e., that 'the Centre should be given time to prove itself', with the proposal by several countries put forward by the distinguished delegate of Indonesia in Document 52 and with the proposal by Burkina Faso in Document 185 calling for an additional two-year period for the Centre, and to go along with the proposal by the Administration of Côte d'Ivoire in Document 146 promoting a stable system of financing, we are of the opinion that, in order to enhance the work of the technical activities of the Union and having in mind the newly created permanent organ for all network development, technical cooperation and assistance matters, the CTD should continue its functions under the umbrella of the newly created organ for development, in order to prevent any duplication of activities. This, we believe, will ensure the cohesiveness of the Union's development activities."

The Secretary:

A.E. EMBEDOKLIS

The Chairman:

H. VIGNON

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to
Document 372-E
28 June 1989
Original: Spanish

COMMITTEE 9

SUMMARY RECORD

OF THE

THIRTEENTH MEETING OF COMMITTEE 9

The first two lines of paragraph 2.7 should read as follows:

"2.7 The delegate of Spain said that past practice, whereby Members had been able to accept the Administrative Regulations merely by ratifying the Convention, had worked well"

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 372-E

25 June 1989

Original: English

COMMITTEE 9

SUMMARY RECORD

OF THE

THIRTEENTH MEETING OF COMMITTEE 9

(BASIC INSTRUMENT OF THE UNION)

Wednesday, 21 June 1989 at 0830 hrs

Chairman: Mr. H.H. SIBLESZ (Netherlands)

Subjects discussed:

Documents

1. Approval of the summary records of the sixth and seventh meetings of Committee 9

279, 297

2. Consideration of proposals (continued)

DT/12
+ Corr.1 + Add.1, 2,
Documents A + B,
GE-BIU 50(Rev.)

1. Approval of the summary records of the sixth and seventh meetings of Committee 9
(Documents 279, 297)

The summary records were approved on the understanding that delegates were entitled to submit written corrections to their own statements to the Secretariat.

2. Consideration of proposals (continued)
(Documents DT/12 + Corr.1 + Add.1 + Add.2, Documents A and B, and GE-BIU 50(Rev.))

Article 40 - Administrative Regulations (continued)

2.1 The Chairman, resuming the earlier discussion on Article 40, recalled that the prevailing view had been that the present regime relating to the Administrative Regulations should be maintained. In considering the various proposals, however, it had appeared that there were some differences of opinion on what that regime was in practical and in legal terms. Some considered that revisions of the Administrative Regulations entered into force on the date or dates specified in the Final Acts of the conference concerned. Others felt that, from a legal point of view, consent to be bound by the Administrative Regulations was expressed through ratification of the relevant subsequent Convention or through notification of the Secretary-General to that effect. Despite some ambiguity, the present regime worked well in practice and it would be wise to maintain it. The text could, however, be improved in terms of legal precision and be extended to take account of the new situation arising from the change to a more stable basic instrument. In the past, acceptance of the Administrative Regulations had been updated quite frequently through ratification of Conventions. Some procedure would have to be introduced to allow for such updating within the framework of the new basic instrument. In addition, some delegations felt that a provision was needed to explicitly allow for reservations to the Administrative Regulations, in accordance with No. 582 of the Nairobi Convention. He invited the Committee to consider, in principle, the following proposals for the text of Article 40.

First, the Administrative Regulations should be established as a treaty instrument, with a binding force determined by the Constitution and the Convention. The Administrative Regulations would form part and parcel of the Constitution and the Convention and, from a legal point of view, would operate on the same level as the Constitution and the Convention. The extent to which Members of the Union were bound by the Administrative Regulations and revisions thereof would be specified in the text of Article 40. Thus, the text would state explicitly that ratification, acceptance, approval or accession to the Constitution and the Convention would constitute acceptance of the Administrative Regulations currently "on the books", i.e., up to the Melbourne Regulations. Secondly, provision had to be made within the context of the new basic instrument for the acceptance of revisions of the Administrative Regulations. One solution would be for revisions to be applied provisionally (i.e., in practice) to signatory Members, insofar as their internal constitutional systems allowed and subject to reservations made in conformity with No. 582 of the Nairobi Convention, from the date of entry into force indicated in the revised Regulations or in the Final Acts of the conference concerned. The period of provisional application could end either i) by a Member explicitly notifying the Secretary-General that it no longer accepted the revision so far applied provisionally, whereupon that Member would no longer be bound by the revision, or ii) by a Member explicitly notifying the Secretary-General that it considered itself bound by the revision, subject to any reservation made at the time or withdrawing any such reservation, or iii) after a fixed period of silence, i.e., during which a Member had neither indicated a will to be bound nor a will not to be bound by the revision, a Member would be bound by the revision. Such a procedure would allow Members to explicitly state their position with respect to a revision, but would also include a semi-automatic acceptance process. Thirdly, there should be a provision

enabling Members not present at conferences to make reservations. As absentee Members were allowed to exercise their right to vote and to sign instruments by proxy, that possibility could be extended to the filing of reservations by proxy. While ascertaining whether a Member wished to sign an instrument, a proxy could also find out if the Member wished to make any reservation on it. Fourthly, the text should provide for the Secretary-General to inform Members of notifications received and of the position with respect to the Regulations.

2.2 The delegate of Japan congratulated the Chairman on his excellent presentation but said that the following points remained to be clarified. In view of the complementary nature of the Constitution and Convention and the Administrative Regulations, he wondered whether States that had not ratified, accepted, approved or acceded to the Constitution and Convention would have the right to notify the Secretary-General of their acceptance of, reservations on or refusal to accept the Administrative Regulations, and whether States that had not signed the Final Acts of the relevant conference would also have those rights. The entry into force of the new Constitution and the Convention would abrogate and replace the Nairobi Convention. States would then have to express consent to be bound by the new instrument. By analogy, a similar process would apply to the Administrative Regulations. All countries thus had the right to make reservations on the Administrative Regulations accepted as a consequence of expressing consent to be bound by the Constitution and the Convention, and on any revision of those Regulations. Of course, it was important to ensure continuity and promote harmony in the application of the Administrative Regulations; the concepts of provisional application and of taking silence, after a fixed period, to mean consent were therefore acceptable. The problem remained of allowing States a reasonable time in which to make reservations, should they wish to do so. It was common for the Final Acts of ITU administrative conferences and, indeed, of Plenipotentiary Conferences, to be signed hurriedly, leaving little time for consideration of the consequences of the texts adopted. The problem was greatly exacerbated with respect to the Administrative Regulations because of their technical nature. A country like Japan, with a language entirely different from the working languages of the Union, was obliged to translate all the texts before comparing the provisions with national regulations, a virtually impossible task in the short time usually available. A similar problem arose for Members represented by proxies. The proposal by Japan sought to overcome that difficulty by allowing a period during which Members might notify the Secretary-General of their reservations. That proposal should be taken into account in drafting a text for Article 40.

2.3 The delegates of Paraguay, Argentina and Italy considered that the provisions outlined by the Chairman would form a good basis for a draft text to be considered by the Committee. The delegate of Italy reserved the right to come back to the question of the tacit acceptance procedure.

2.4 The delegate of Greece, while acknowledging that the provisions outlined by the Chairman merited consideration, felt that difficulties would still arise with regard to the application or entry into force of the Administrative Regulations, as well as with the procedure for making reservations. Provisional application of the Administrative Regulations would only perpetuate legal uncertainties. Perhaps consideration should be given to simplifying the matter by introducing a provision allowing for the immediate application of the Regulations.

2.5 The delegate of France said that, in expressing consent to be bound by the Constitution and the Convention, States should accept the most recent Administrative Regulations that had been signed, whatever their date of entry into force. While the notion of provisional application was interesting, the concept of tacit consent was not acceptable.

2.6 The delegate of the United States said that the proposals outlined by the Chairman would serve to advance the work of the Committee. In drawing up a draft text, the following points should be borne in mind. First, if ratification, acceptance, approval or accession to the Constitution and the Convention implied acceptance of the Administrative Regulations in force, then any Regulations with a later date of entry into force, although signed, would not be picked up. Secondly, to speed up revisions of the Administrative Regulations, the revised Regulations could be applied provisionally from the time of the signature of the Final Acts of the conference that made the revision. Thirdly, his Delegation's concern over the tacit assumption of consent would be lessened if the period between the close of an administrative conference and the moment at which silence was inferred to mean consent was sufficiently long. Lastly, his country's experience in acting as a proxy led to the conclusion that it would be impracticable for a proxy to make a reservation, on behalf of the country it represented, at the time of signature of the Final Acts. Countries acting through proxies often lacked trained personnel, as well as financial resources. It was unrealistic to expect such countries to decide whether to make reservations at the time that they instructed their proxies whether or not to sign on their behalf. Another mechanism should be found to allow absentee Members to make reservations.

2.7 The delegate of Spain said that past practice, whereby Members had been able to accept the Administrative Regulations without ratifying the Convention, had worked well and should not be abandoned in future when the Constitution, the Convention and the Administrative Regulations would all be considered as a block of linked provisions. Although the provisional application of the Administrative Regulations was entirely feasible under the terms of the Vienna Convention on the Law of Treaties, the Regulations should certainly be accepted with the ratification of the Constitution and the Convention. He shared the concern expressed by the delegate of France with regard to taking silence to mean consent. Silence sometimes did not mean consent and might merely reflect circumstances beyond a country's control. He agreed with the delegate of the United States that that concern would be lessened if the period for expressing consent or otherwise was long enough. With respect to reservations, it was difficult to accept that reservations could be made by a proxy for an absentee Member, whatever the circumstances. Reservations to the Administrative Regulations depended on internal national procedures and should be made by the country concerned, as for reservations to the Constitution and the Convention.

2.8 The delegate of Australia supported the Chairman's proposals for a draft text. It achieved a balance by allowing Members time to state their position before assuming that silence meant consent. The text should ensure that the period after which silence meant consent should be clearly specified to avoid any ambiguity in application of the Administrative Regulations. Whilst allowing time to reflect, that period should not be too long.

2.9 The delegate of Romania said that the text should only deal with the Administrative Regulations to the extent of referring to "the Administrative Regulations in force". Such terminology would cover any subsequent changes or revisions. Questions such as the provisional application of the Administrative Regulations should be dealt with in the text of the Administrative Regulations themselves. All that was necessary, then, would be to specify that the Constitution and the Convention were complemented by the Administrative Regulations and that Members bound by the Constitution and the Convention were also bound by the Administrative Regulations.

2.10 The delegate of the Netherlands supported the proposals made by the Chairman, which were in line with the proposal of his country and were an improvement on the present regime.

2.11 The delegate of the United Kingdom said, in connection with the proposal of the Netherlands, that a refusal to accept Regulations should be expressed "by notification made before they enter into force". Furthermore, some flexibility should be retained to allow for the possibility that administrative conferences might not wish regulations to enter into force provisionally. Provisions on entry into force should therefore be subject to the decision of the administrative conference concerned.

2.12 The Legal Adviser recalled that, by its mandate, the Group of Experts had been restricted to producing a text based on the provisions of the Nairobi Convention. The Committee here was under no such restriction. The concept of provisional application was a workable solution from a legal point of view and it had already been employed by some world and regional radio administrative conferences. On the other hand, it would be difficult to start provisional application from the date of signature of the Final Acts, because some new or revised provisions were only intended to enter into force at a later date and could thus be in conflict with those remaining in force until that date.

2.13 The Chairman suggested that he, together with the Legal Adviser, draw up a draft text for Article 40, based on his earlier proposals and taking the Committee's views into account. In response to a request by the delegate of Spain, he said that the draft would be presented to the Committee in the three working languages.

It was so agreed.

Article 46 - Entry into force and related matters (continued)

2.14 The Chairman pointed out that a number of arguments in favour of the options in the version of No. 198 submitted by the Group of Experts had been put forward at the preceding meeting, and urged delegations to confine their remarks to their preferences, in order to reduce the number of options to be presented to the Plenary.

2.15 The delegates of Nigeria, Zambia and Canada said that their Delegations were in favour of a fixed number of ratifications rather than a fraction of the membership or a fixed date, and would prefer that number to be 41.

2.16 The delegates of Australia, Mexico and Cape Verde said that their Delegations too were in favour of a fixed number, and could accept the figure of 25 instruments. The delegate of Spain said that his Delegation would prefer the number to be 25, but could go along with 41, and the delegate of Greece said that his Delegation could accept either 25 or 41 instruments.

2.17 The delegate of New Zealand considered that the number of instruments should not be lower than one third of the Membership of the Union, although his Delegation could accept a higher number. The delegates of the Ukrainian SSR, China and Indonesia said that they too were in favour of one third of the Membership. The delegates of France, Italy, the United Kingdom and the Federal Republic of Germany said that they too could accept the one-third fraction, or 55 instruments if a fixed number were decided upon.

2.18 The delegate of Kenya said that his Delegation could not accept entry into force on a fixed date and shared the views of those who had advocated a high number of instruments in the interests of stability. On the other hand, the Spanish delegate's arguments in favour of flexibility were persuasive and Kenya could consider a lower number.

2.19 The delegate of Malaysia said that his Delegation was in favour of a fixed date, since otherwise there would be danger that the Constitution and the Convention would not have entered into force by the time of the next Plenipotentiary Conference. The delegate of Brazil said that he too preferred a fixed date.

2.20 The delegate of Côte d'Ivoire pointed out that, on the basis of experience with the number of instruments required under the Nairobi Convention, the Nice Constitution and Convention would not enter into force until 1993, and that after that date Members would have a two-year period of grace in which to ratify the instruments. Accordingly, the next Plenipotentiary Conference might be attended by Members which would benefit by the provisions of instruments by which they were not bound. Moreover, the position of such Members vis-à-vis the Administrative Regulations would be ambiguous, to say the least. He therefore supported the Gabonese proposal to have a fixed date of entry into force.

2.21 The delegate of Nigeria said that she saw some merit in the previous speaker's arguments, although she did not consider that the issue of entry into force should be entirely divorced from the number of instruments deposited. Perhaps the two ideas could be amalgamated by stating that the Constitution and Convention should enter into force on a fixed date or upon the deposit of a fixed number of instruments, whichever date was the earlier.

2.22 The delegate of Kenya observed that acceptance of that course would be tantamount to saying that the Constitution and Convention were binding on Members without any indication on their part of consent to be bound. That would run counter to the Vienna Convention on the Law of Treaties.

2.23 The Legal Adviser said that, whereas establishment of a fixed date alone, i.e. without reference to "as between Parties", would indeed constitute a departure from the Vienna Convention and generally recognized principles of international law, addition of a provision that the Constitution and Convention would enter into force between the parties thereto would maintain the principle that States must indicate their consent to be bound. Nevertheless, the fixed number of instruments advocated by the Group of Experts provided greater representivity and stability.

2.24 The Chairman observed that the Nigerian suggestion seemed to give rise to insoluble problems.

Summing up the debate, he said that the majority of the Committee seemed to be against a fixed date of entry into force, so that that option could be eliminated. In the discussion on whether a fraction of the Membership or a fixed number of instruments should be adopted, most speakers had argued that a fixed number would be clearer, and the option of a fraction could therefore be set aside. He suggested that the text to be submitted to the Plenary should be based on a fixed number, and that the three numbers 25, 40 (41 rounded off) and 55 should be placed in square brackets.

2.25 The delegate of Australia observed that the situation of new Members, not dealt with in connection with Article 39 on accession, should be taken into account in the text.

2.26 The Legal Adviser read out the following text of No. 198:

- "198 1. (1) This Constitution and the Convention shall enter into force between Parties thereto on the 30th day after deposit of the [25th] [40th] [55th] instrument of ratification, acceptance, approval or accession by a Member of the Union."

The last phrase made it clear that the accessions of new Members would not be counted among the instruments required for the entry into force of the Constitution and the Convention.

2.27 The delegate of Sweden suggested that the Chairman's report to the Plenary should make clear the consequences of the adoption of the three options, as explained by the United States' delegate, namely, that the higher the number, the later the instruments would enter into force, and the lower the number, the higher the number of Members losing the right to vote would be.

2.28 The delegate of the German Democratic Republic said that, in view of the many difficult problems facing the Plenary, it would be preferable to present it with a single option. The Committee's preference might be ascertained by a show of hands. The delegate of Kenya endorsed that view.

2.29 The Chairman called for a show of hands on whether the Committee should submit one or more options to the Plenary. The show of hands would not be regarded as a vote, since the final decision of course rested with the Plenary.

The result of the show of hands was 32 in favour of one option and 16 in favour of more options.

2.30 The Chairman then called for a show of hands on the numbers 25, 40 and 55.

The result of the show of hands was 14 in favour of 25, 8 in favour of 40 and 25 in favour of 55.

No. 198 was approved as amended, with the number "55th" in square brackets.

Nos. 199 and 200

2.31 The delegates of Paraguay and France withdrew proposals PRG/95/86 and F/83/12 to Nos. 199 and 200, respectively.

Nos. 199 and 200 were approved.

Nos. 201, 202 and 203

Nos. 201, 202 and 203 were approved.

Article 46 was approved as amended.

Testimonium

2.32 The Legal Adviser said that the title "Testimonium" had been inserted for ease of reference by the Group of Experts and could now be deleted.

The text of the Testimonium was approved, as was the deletion of the term "Testimonium".

The meeting rose at 1230 hours.

The Secretary:

A. NOLL

The Chairman:

H.H. SIBLESZ

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 373-E

22 June 1989

Original: English
French

COMMITTEE 10

SEVENTH SERIES OF TEXTS FROM COMMITTEE 9 TO THE EDITORIAL COMMITTEE

On behalf of Committee 9, I take pleasure in transmitting to the Editorial Committee this seventh series of texts unanimously adopted by Committee 9, i.e.:

- Article 46

of the draft Constitution for consideration by Committee 10 and forwarding them to the Plenary Meeting. These texts are contained in the Annex to the present document.

H.H. SIBLESZ
Chairman of Committee 9

Annex: 1

A N N E X

ARTICLE 46

Entry into Force and Related Matters

- | | | |
|-----|-----|---|
| MOD | 198 | 1. (1) This Constitution and the Convention shall enter into force between Parties thereto on the 30th day after deposit of the [55th] instrument of ratification, acceptance, approval or accession by a Member of the Union. |
| NOC | 199 | (2) The Secretary-General shall notify all Members of the date of entry into force of this Constitution and the Convention. |
| NOC | 200 | 2. Upon the date of entry into force specified in paragraph 1 above, this Constitution and the Convention shall, as between Parties thereto, abrogate and replace the International Telecommunication Convention, Nairobi, 1982. |
| NOC | 201 | 3. In accordance with the provisions of Article 102 of the Charter of the United Nations, the Secretary-General of the Union shall register this Constitution and the Convention with the Secretariat of the United Nations. |
| NOC | 202 | 4. The original of this Constitution and the Convention drawn up in the Arabic, Chinese, English, French, Russian and Spanish languages shall remain deposited in the Archives of the Union. The Secretary-General shall forward, in the languages requested, a certified true copy to each of the signatory Members. |
| NOC | 203 | 5. In case of any discrepancy among the various language versions of this Constitution and the Convention, the French text shall prevail. |

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed the original of this Constitution of the International Telecommunication Union and the original of the Convention of the International Telecommunication Union.

Done at Nice, on .. June 1989

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 2 to
Document 374-E
22 June 1989
Original: English

PLENARY MEETING

AMENDMENTS TO THE REPORT OF COMMITTEE 2 TO THE PLENARY MEETING

(CREDENTIALS)

Following the decision taken at the seventeenth Plenary Meeting, the following changes should be made in the Annex to Document 374 :

Section 1, insert Liberia (Republic of)

Section 2, delete Liberia (Republic of)

J. SZEKELY
Chairman of Committee 2

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to
Document 374-E
22 June 1989
Original: English

PLENARY MEETING

AMENDMENT TO THE REPORT OF COMMITTEE 2 TO THE PLENARY MEETING

(CREDENTIALS)

The following changes should be made in the Annex to Document 374 :

A. Section 3, insert

Fiji (Republic of) in Column 1 (From)

and

Papua New Guinea in Column 2 (To)

B. Section 3, replace the text of Conclusions with the following :

The Delegations of the 6 countries listed in column 2 above are entitled to vote or to vote and sign on behalf of the countries listed in column 1 as detailed in Documents 174, 175, 176, 246, 255 and 382 of the Conference.

J. SZEKELY
Chairman of Committee 2

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 374-E

21 June 1989

Original: English

COMMITTEE 2

REPORT OF COMMITTEE 2 TO THE PLENARY MEETING

(CREDENTIALS)

1. Terms of reference

The terms of reference of the Committee are set out in Document 118.

2. Meetings

The Committee met twice, on 30 May and 21 June 1989.

At its first meeting, it set up a Working Group consisting of the Chairman and Vice-Chairman of the Committee and one delegate from Argentina, Czechoslovakia, Indonesia, Kenya and Sweden to verify Delegations' credentials in accordance with Article 67 of the International Telecommunication Convention, Nairobi (1982).

3. Transfers of powers

Transfers of powers, according to the provisions of No. 391 of the International Telecommunication Convention (Nairobi, 1982), were approved at the first meeting of Committee 2 and by the Chairman of Committee 2 as authorized by the Committee and by the Eleventh Plenary Meeting.

4. Conclusions

The conclusions reached by the Committee are reproduced in the annex attached hereto and submitted to the Plenary Meeting for approval.

5. Final remark

The Committee recommends that the Plenary Meeting authorize the Chairman and the Vice-Chairman of Committee 2 to verify the credentials received after the date of the present report and to submit their conclusions to the Plenary Meeting on the matter.

J. SZEKELY
Chairman of Committee 2

1. Credentials found to be in order, deposited by the Delegations of countries having the right to vote

Afghanistan (Republic of)
Albania (Socialist People's Republic of)
Algeria (People's Democratic Republic of)
Germany (Federal Republic of)
Angola (People's Republic of)
Antigua and Barbuda
Saudi Arabia (Kingdom of)
Argentine Republic
Australia
Austria
Bahamas (Commonwealth of the)
Bahrain (State of)
Bangladesh (People's Republic of)
Barbados
Belgium
Benin (People's Republic of)
Bhutan (Kingdom of)
Byelorussian Soviet Socialist Republic
Burma (Union of)
Botswana (Republic of)
Brunei Darussalam
Bulgaria (People's Republic of)
Burkina Faso
Burundi (Republic of)
Cameroon (Republic of)
Canada
Cape Verde (Republic of)
Central African Republic
Chile
China (People's Republic of)
Cyprus (Republic of)
Vatican City State
Colombia (Republic of)
Congo (People's Republic of the)
Korea (Republic of)
Côte d'Ivoire (Republic of)
Cuba
Denmark
Djibouti (Republic of)
Egypt (Arab Republic of)
El Salvador (Republic of)*
United Arab Emirates
Ecuador
Spain
United States of America
Ethiopia (People's Democratic Republic of)

*Transfer of powers to the Argentine Republic (see Document 261)
as from 2 June 1989.

Finland
France
Gabonese Republic
Gambia (Republic of the)
Ghana
Greece
Guinea (Republic of)
Hungarian People's Republic
India (Republic of)
Indonesia (Republic of)
Iran (Islamic Republic of)
Iraq (Republic of)
Ireland
Iceland
Israel (State of)
Italy
Jamaica
Japan
Kenya (Republic of)
Kuwait (State of)
Lesotho (Kingdom of)
Lebanon
Luxembourg
Madagascar (Democratic Republic of)
Malaysia
Malawi
Maldives (Republic of)
Mali (Republic of)
Malta (Republic of)
Morocco (Kingdom of)
Mauritius
Mexico
Monaco
Mongolian People's Republic
Nepal
Niger (Republic of the)
Nigeria (Federal Republic of)
Norway
New Zealand
Oman (Sultanate of)
Pakistan (Islamic Republic of)
Papua New Guinea
Paraguay (Republic of)
Netherlands (Kingdom of the)
Peru
Philippines (Republic of the)
Poland (People's Republic of)
Portugal
Qatar (State of)
Syrian Arab Republic
German Democratic Republic
Democratic People's Republic of Korea
Ukrainian Soviet Socialist Republic

Romania (Socialist Republic of)
United Kingdom of Great Britain and Northern Ireland
Rwandese Republic
San Marino (Republic of)
Saint Vincent and the Grenadines
Senegal (Republic of)
Singapore (Republic of)
Sudan (Republic of the)
Sri Lanka (Democratic Socialist Republic of)
Sweden
Switzerland (Confederation of)
Suriname (Republic of)
Swaziland (Kingdom of)
Tanzania (United Republic of)
Chad (Republic of)
Czechoslovak Socialist Republic
Thailand
Togolese Republic
Tonga (Kingdom of)
Trinidad and Tobago
Tunisia
Turkey
Union of Soviet Socialist Republics
Uruguay (Eastern Republic of)
Venezuela (Republic of)
Viet Nam (Socialist Republic of)
Yemen Arab Republic
Yemen (People's Democratic Republic of)
Yugoslavia (Socialist Federal Republic of)
Zaire (Republic of)
Zambia (Republic of)
Zimbabwe (Republic of)

Conclusion: The Delegations of these 131 countries are entitled to vote and to sign the Final Acts.

2. Credentials found to be in order, deposited by the Delegations of countries which do not have the right to vote (see Document 88 (Rev.10))

Brazil (Federative Republic of)
Comoros (Islamic Federal Republic of the)
Costa Rica
Guatemala (Republic of)
Equatorial Guinea (Republic of)
Liberia (Republic of)
Libya (Socialist People's Libyan Arab Jamahiriya)
Uganda (Republic of)
Somali Democratic Republic

Conclusion : The Delegations of these 9 countries are not entitled to vote, but may sign the Final Acts.

3. Transfers of powers found to be in order, deposited by countries which have not been able to send their own Delegation to the Conference (No. 391 of the Convention)

<u>Column 1 (From)</u> =====	<u>Column 2 (To)</u> =====
Jordan (Hashemite Kingdom of)	Iraq (Republic of)
Liechtenstein (Principality of)	Switzerland (Confederation of)
Solomon Islands	Australia
Vanuatu (Republic of)	Japan
Kiribati (Republic of)	United Kingdom

Conclusion: The Delegations of the 5 countries listed in column 2 above are entitled to vote or to vote and sign on behalf of the countries listed in column 1 as detailed in Documents 174, 175, 176, 246 and 255 of the Conference.

4. Delegations attending the Conference which have not deposited credentials

*Dominican Republic
*Mauritania (Islamic Republic of)
Mozambique (People's Republic of)

Conclusion: The Delegations of these 3 countries are entitled neither to vote nor to sign the Final Acts.

=====

* Included in the list of countries which have lost the right to vote (see Document 88 (Rev.10)).

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 375-E

21 June 1989

Original: English

COMMITTEE 9

NOTE BY THE CHAIRMAN OF COMMITTEE 8 TO THE CHAIRMAN OF COMMITTEE 9

I wish to draw your attention to the texts approved by Committee 8 and submitted to the Editorial Committee (Doc. 355).

In accordance with DT/32, Committee 9 may wish to consider the appropriate placing of Annex 2 of draft Constitution and Articles 27 and 29-33, as well as Annex 1 of draft Convention.

M.F. DANDATO
Chairman of Committee 8

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 376-E

21 June 1989

Original: English

Plenary Meeting

NOTE BY THE CHAIRMAN OF COMMITTEE 6 TO THE CHAIRMAN OF THE CONFERENCE

The Chairman of Committee 6 wishes to draw the attention of the Chairman of the Conference to the fact that during the course of deliberations in Committee 6, and in the absence of agreement, it has been decided to transmit draft Resolutions COM6/17 and COM6/18 to the Plenary for appropriate action.

H. VIGNON
Chairman of Committee 6

(ex Nairobi Res. 18)

DRAFT RESOLUTION COM6/17

Budgetary and Organizational Aspects
of Technical Cooperation and Assistance of the Union

The Plenipotentiary Conference of the International Telecommunication Union ~~(Nairobi, 1982)~~ (Nice, 1989),

taking account

of the provisions of the [Convention] concerning the technical cooperation and assistance ~~function~~ to be performed by the Union for the benefit of the developing countries in relation to its two functions of United Nations Specialized Agency for telecommunications and Executing Agency for technical cooperation projects (UNDP and trust funds),

considering

a) the importance of telecommunications for the economic and social development of mankind;

b) that the Member countries, whether developing or developed, recognize the need to cooperate for the purpose of establishing a world-wide telecommunication network serving the general interest;

c) that the imbalance between the level of development of ~~the~~ networks and services of the developing and developed countries is constantly increasing;

d) that the Union is the most appropriate international forum for the study of all kinds of problems connected with telecommunications, and in particular for coordinating ~~most~~ the use of the resources assigned to technical cooperation and assistance in the field of telecommunications;

e) that one of the main purposes of the Union is to promote international cooperation among Members in the field of telecommunications and emphasize the particular importance of assistance to developing countries;

f) that some of the objectives for the Union in technical cooperation and assistance should be:

i) to seek greater appreciation of the role of telecommunications in a balanced programme of economic development;

ii) to promote a strategy for a plan of action for regional and global development of telecommunications including the identification of needs for assistance and technical cooperation and the coordinated use of the resources provided for these activities;

~~##~~iii) to promote ~~training~~ the development of human resources in all activities connected with the development of telecommunications;

- ~~***~~iv) to take all such action as necessary within the ambit of the Union to help countries become self-reliant;
- ~~iv~~v) to encourage cooperation among developing countries in order that they could set up a lasting programme of mutual assistance;
- ~~v~~vi) to promote the transfer of resources and technology for the benefit of all Members, in particular to the developing countries;
- ~~vi~~vii) to provide assistance for the development of telecommunications in rural areas;

decides

1. to continue Union participation in the programmes of the United Nations system and other programmes;

2. to reinforce the operational capacity of the Union to promote and provide technical cooperation and assistance for the benefit of the developing countries;

3. to agree on the list of technical cooperation and assistance activities ~~which could possibly be taken into consideration for funding~~ to be financed from the ITU's own resources, as follows:

- Coordination and promotion of the action of all interested parties in world-wide network and services development
- Identification, in this information age, of the role of computerized communications in socio-economic development
- Organization of regional development conferences
- ~~Services of the~~ Technical advisory and support services [Group of Engineers]
- ~~Services of the Training Division, including the CODEVTEB activity (Training Standards)~~ (standards for training and management/development of human resources)
- Short-term missions - specialists and [Group of Engineers]
- Logistic support for seminars
- Fellowship programme to participate in ~~ITU seminars (e.g. IPRB seminars) and in 661 Study Group meetings~~ organized or sponsored by the ITU
- Regional presence
- Services of the [Head of the Technical Cooperation Department] and his office

- Logistic support for the special voluntary programme of technical cooperation
- Special assistance for the Least Developed Countries
- Provision of common services for technical cooperation activities
- ~~Identification-of-benefits-of-telecommunications-for development~~
- Follow-up action on the recommendations and decisions taken by conferences and meetings of the Union for the benefit of developing countries
- ~~ITU-publications~~
- ~~World-Communications-Year~~
- ~~Review-of-ITU-technical-cooperation-and-assistance activities~~
- Resources to promote technical cooperation among developing countries (TCDC)
- Any other activities that the Administrative Council considers appropriate;

4. that increases in demands upon the regular budget of the Union that will occur from expansion of technical cooperation and assistance activities should be found, whenever possible, by effecting economies elsewhere within the budget;

instructs the Secretary-General

~~1. to review the existing technical cooperation and assistance activities of the Union;~~

~~2. to review the organization and structure of the Technical Cooperation Department and submit proposals for the improvement of its managerial capability so as to enable the Union to contribute to the development process in the most effective and economic manner practicable; in conformity with the decision of the Plenipotentiary Conference;~~

~~3. to submit to the Administrative Council as soon as possible a detailed report on the immediate changes required to attain the objectives in 2 above;~~

4.1. to submit each year to the Administrative Council the draft technical cooperation and assistance programme for the following year together with a detailed report on the implementation of the previous year's programme, accompanied by qualitative and quantitative assessments of the difficulties encountered, taking due account the Union's two functions as the specialized agency for telecommunications of the United Nations system and as executing agency for technical cooperation projects (UNDP and trust funds);

5.2. to submit to the ~~1989~~ 1991 Administrative Council a detailed draft medium-term programme for the technical cooperation and assistance activities decided upon by the Plenipotentiary Conference. In particular, each activity listed under decides above should be described in such a way as to enable the Council to assess the effectiveness, degree of priority and costs of its implementation;

instructs the Administrative Council

1. to ~~establish an advisory committee of the Administrative Council without additional expense to the Union for the purpose of considering~~ consider how the priorities of the Union for technical cooperation and assistance can be achieved within available resources;

~~2. to study in detail the organization and management of the Union technical cooperation and assistance activities so as to~~

~~2.1~~ identify the functions arising from Union participation in the programmes of the United Nations system and other programmes;

~~2.2~~ define the functions of the permanent organs of the Union in connection with technical assistance to the developing countries;

~~3. to reorganize, in the light of the foregoing, the Technical Cooperation Department and define the role assigned under the Convention to the Secretary-General with a view to the effective and economical performance of the tasks referred to above;~~

4.2. to provide funding within the regular budget for technical assistance activities ~~of the permanent organs of the ITU~~ relating to the ITU's role as United Nations specialized agency for telecommunications, consistent with the purposes of the Union;

5.3. to prepare for the information of all administrations an annual report on the progress of the Union's technical cooperation and assistance activities.

(Ex Nairobi Res. 24)

DRAFT RESOLUTION COM6/18

Telecommunication Infrastructure and Socio-Economic
and Cultural Development

The Plenipotentiary Conference of the International Telecommunication Union ~~(Nairobi, 1982)~~ (Nice, 1989),

recognizing

that the social and economic underdevelopment of a large part of the world is one of the most serious problems affecting not only the countries concerned but also the international community as a whole,

considering

a) that telecommunication facilities and services are not only the ~~outcome~~ consequence of economic growth, but a ~~precondition~~ prerequisite of overall development;

~~b) that the development of telecommunication infrastructure is an essential part of the national and international development process;~~

b) that telecommunications is an integral part of the national and international development process;

~~c) that the spectacular technological progress achieved during the past decade has made communications faster and more reliable and has reduced operational costs and maintenance requirements;~~

c) that the recent spectacular progress, and particularly the convergence of telecommunication and computer technologies and services, has transformed telecommunications into an agent of change for the information age;

stresses

the important ~~supporting~~ participatory, and not merely infrastructural, role played by telecommunications in the development of agriculture, health, education, transport, industry, human settlement, trade, transfer of information for social welfare and in the general economic and social progress of developing countries;

concerned

~~that the uneven penetration in the world of the two most familiar telecommunication services -- telephony and radio broadcasting -- is one of the real obstacles to development in many countries and regions and a barrier to effective communication between the developed and developing world;~~

recalling

a) that the "International Development Strategy for the Third Development Decade" stipulates, inter alia, the tasks relevant to the UN in promoting international development and specifies that "special attention should be given to overcome the bottlenecks and constraints of transport and communication facing the developing countries, particularly with a view to strengthening intra-regional and inter-regional links";

b) the decisions made by the United Nations General Assembly at its Seventh Special Session, as well as at its regular annual sessions, relating to the need for international strategies to accelerate progress in social and economic advancement in rural areas and Resolution 34/14 adopted in 1979 inviting the UN specialized agencies to strengthen their participation in the achievement of the above objective;

c) the decision by the United Nations in 1981 to proclaim 1983 as World Communications Year in order to stress the importance of telecommunications infrastructure as both a precondition for and an integral part of economic and social development;

that the Independent Commission for World-Wide Telecommunications Development in its report "The Missing Link" had highlighted the unacceptable imbalance in the distribution of telecommunications and the imperative and urgent need to remedy the same;

that in this context the Independent Commission had inter alia called on Governments, international agencies and all others concerned to accord, particularly in the developing countries, an appropriate higher priority to investment and other related actions for the development of telecommunications;

noting

a) that although it is widely recognized that a well-developed telecommunication system is a basic requirement of any modern economy, attempts in many developing countries to achieve a higher investment priority for this sector have not, in general, been successful;

b) that one of the main obstacles to the development of telecommunication infrastructure is under-investment in this sector -- a situation for which the reasons are manifold but which is in particular due to insufficient research, inadequate dissemination of information, and a lack of understanding with national planning ministries about the relationship between telecommunications and economic and social development;

c) that research carried out so far on the benefits to be derived from telecommunications has generally revolved around analysis of input-output tables and correlation of GNP, telephone density and other variables without, however, explaining the causation;

appreciative

of the UN's initiative in undertaking, in collaboration with the Organisation for Economic Co-operation and Development (OECD), studies on the contribution of telecommunications to economic and social development, with special emphasis on the problems of integrated rural development, and of the additional voluntary financing for the conduct of such studies;

recognizing

~~the necessity of providing governments, administrations, decision-makers, economists, financial and other institutions and organizations concerned with development work with the results of comprehensive studies on the direct and indirect benefits of investment in telecommunication infrastructure and the relationship between the growth of telecommunication services and socio-economic development in general; so as to enable developing countries to better assess their own development priorities and give the necessary priority to telecommunications;~~

that given the stringent world economic situation there is a continuing constraint of resources in most developing countries for investments in various development sectors;

that in this scenario doubts continue to arise as to the inter se priorities for resource allocation among the various sectors to guide national decisions;

that it was therefore necessary to provide decision makers relevant and timely information on the role and overall contribution of telecommunications to the totality of planned development;

that past studies undertaken at the initiative of the Union for assessing the benefits of telecommunications have had a salutary impact;

appreciating

the various studies that have been carried out in compliance of Resolution No. 24 (Nairobi, 1982) as part of the programme of technical cooperation and assistance activities of the Union;

decides

~~that the Union should continue to organize and carry out such studies; closely integrating this effort with the overall programme for technical cooperation and assistance activities;~~

that the Union should continue to organize, conduct or sponsor necessary studies to bring out, in the different and changing context, the contribution of telecommunications to overall development;

that the Union should also act as a clearing house for information on the results of similar studies carried out by other national, regional and international bodies;

invites

the administrations and governments of Member States, agencies and organizations of the United Nations system, non-governmental and inter-governmental organizations, financial institutions and providers of telecommunication equipment and services to extend their support for the satisfactory implementation of this Resolution;

urges

~~the=UNDP, including its secretariat and field representatives as well as both donor and recipient Member States, to give greater appreciation to the importance of telecommunications in the development process, with a view to ensuring that an appropriate share of UNDP resources is made available for the telecommunications sector;~~

all agencies responsible for development aid/assistance, including the International Bank for Reconstruction and Development (IBRD), UNDP, as well as donor and recipient Member States to attach greater importance to telecommunications in the development process and to accord an appropriate higher priority for resource allocation to this sector;

requests the Secretary-General

~~to bring this Resolution to the attention of the United Nations General Assembly and to provide the Assembly with regular reports on the progress and results of the research on this matter;~~

~~1. to bring this Resolution also to the attention of all interested parties, including, in particular, the UNDP, International Bank for Reconstruction and Development (IBRD), Regional Development Banks and National Development Funds for cooperation;~~

2. to organize studies, as found necessary, from time to time within the available credits;

3. to report annually to the Administrative Council on the progress made in the implementation of this Resolution;

4. to arrange for the wide dissemination of the findings of the studies carried out in accordance with this Resolution;

requests the Administrative Council

1. to review the Secretary-General's reports and take appropriate measures to ~~permit~~ ensure the implementation of this Resolution;

2. to report on the matter to the next Plenipotentiary Conference.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 377-E

21 June 1989

Original: English

COMMITTEE 7

NOTE BY THE CHAIRMAN OF COMMITTEE 8
TO THE CHAIRMAN OF COMMITTEE 7

The document 155 and Add. 1, proposing a new **Article [N]** in the text of the draft Convention, dealing with the "Procedure for the Election of Members of the Administrative Council and Elected Officials", had been allocated to the Committee 8.

It is the view of the Committee 8, in agreement with the author of the proposal, that the above document should be considered by the Committee 7 within its terms of reference.

M.F. DANDATO
Chairman of Committee 8

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 378-E

21 June 1989

Original: English

COMMITTEE 7

COMMITTEE 9

NOTE BY THE CHAIRMAN OF COMMITTEE 8 TO THE CHAIRMEN OF COMMITTEES 7 AND 9

Further to the Note by the Chairman of Committee 9 to the Chairman of Committee 8 (Doc. 265, paragraph 3), the Committee 8 is of the opinion that the proposal ARG/153/4 should be addressed to Committee 7 in relationship with ARG/116/1 (Article 4 of the Convention) which is already allocated to Committee 7 in accordance with its terms of reference (see Doc. 118).

M.F. DANDATO
Chairman of Committee 8

CONFÉRENCE DE PLÉNIPOTENTIAIRES

NICE, 1989

Corrigendum 1
Document 379-F/E/S
22 juin 1989

SECOND ET DERNIER RAPPORT DU PRESIDENT DU GROUPE DE TRAVAIL B DE LA PLENIERE
A LA SEANCE PLENIERE

Page 2, à la fin du texte, ajouter :

K. BJÖRNSJÖ
Président du Groupe de travail PL-B

SECOND AND FINAL REPORT BY THE CHAIRMAN OF WORKING GROUP PL-B
TO THE PLENARY MEETING

Page 2, at the end of the text, add:

K. BJÖRNSJÖ
Chairman, Working Group PL-B

SEGUNDO Y ULTIMO INFORME DEL PRESIDENTE DEL GRUPO DE TRABAJO PL-B
A LA SESION PLENARIA

Página 2, al final del texto, añádase:

K. BJÖRNSJÖ
Presidente del Grupo de trabajo PL-B

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 379-E

21 June 1989

Original: English

PLENARY MEETING

SECOND AND FINAL REPORT BY THE CHAIRMAN OF WORKING GROUP PL-B TO THE PLENARY MEETING

1. Following discussion of the first report of the PL-B (Document 336) at the Sixteenth Plenary Meeting, the Working Group reviewed the draft Resolutions contained in the document.
2. The Working Group agreed that the WARC dealing with frequency allocations in certain bands should be maintained in 1992. However, the additional item on the review of certain technical aspects of the BSS-77 Plan was considered to be inappropriate and should therefore be suppressed from the agenda, bearing in mind the heavy work-load of this Conference. It was suggested that a CCIR Conference Preparatory Meeting should be held prior to this Conference.
3. Discussions continued regarding a suitable date for the WARC for dealing with matters connected to the HFBC Service. Some delegations maintained the view that this Conference should be held in 1994, while others felt that it should be held in 1992. At the end, however, there was broad agreement to have this Conference in 1993, after having considered that the logistics problems for that year, associated with preparation for other ITU meetings could be solved.

It was felt that if 1993 was maintained as the year for this Conference, the HFBC team could be kept on by the IFRB until this Conference is held.
4. In order to give sufficient time for preparation by administrations and the ITU for the HFBC Conference, there should preferably be one year between the Frequency Allocation Conference and the HFBC Conference.
5. Concerning the Regional Conference in decides 1.6 of Resolution [PL-B/1], some clarifications were made and after further discussion the title was modified. It was highlighted that the basic purpose of this Conference was to establish sharing criteria for various services and also that the need seems to be limited to certain parts of Region 3. Furthermore, it was felt that the Administrative Council should consult the Members concerned and, if appropriate, make the necessary arrangements for the Conference.
6. Based on the discussions in Plenary, it was agreed that the Plenipotentiary Conference should be held in 1995, with a duration of five (5) weeks.
7. With respect to Annex 2, the draft Resolution dealing with procedures to be applied to Appendix 26, some improvements were introduced into the text. A new recognizing 4 was added and instructs the IFRB 3 was modified.

8. PL-B reviewed proposals related to Groups of Experts on frequency allocation and the improved use of the RF spectrum, as well as simplification of the Radio Regulations in general. It was agreed that these proposals could be combined and a Drafting Group (PL-B/1) was established to prepare a suitable draft Resolution. This Drafting Group was chaired by Mr. Strick of the Federal Republic of Germany, with participants from Canada and Japan. The resulting draft Resolution [PL-B/3) is attached in Annex 3. No time was available to review this draft in PL-B.

9. Drafting Group PL-B/1 also examined proposal DDR/6/26, together with a participant from the German Democratic Republic. The conclusion was that it was not appropriate to merge this proposal with Resolution PL-B/3. However, it was felt that proposal DDR/6/26 was valuable and could possibly be included in the overall review of the permanent organs of the Union. It has therefore been included in Annex 4 for appropriate action by the Plenary.

10. The Working Group did not have sufficient time to consider the subject of IFRB Seminars (Document 219 + Add.1). Consequently, this matter is remitted to the Plenary for further action.

11. The financial implications of the proposed conference and meeting programme is given in Annex 5.

ANNEX 1

RESOLUTION No. [PL-B/1]

Future Conferences of the Union

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

having considered

a) paragraph 3.4 of the Report of the Administrative Council to the Plenipotentiary Conference relating to planned administrative conferences and the general agreement reached on this matter at the 44th session of the Administrative Council (Document 41);

b) the proposals submitted by several Members of the Union;

c) the necessary preparatory work to be carried out both by the permanent organs of the Union and by the administrations before each session of a Conference,

decides

1. that the schedule of future administrative conferences shall be as follows:

- 1.1 Second Session of the Regional Administrative Conference for the Planning of VHF/UHF Television Broadcasting in the African Broadcasting Area and Neighbouring Countries (Geneva, 13 November-8 December, 1989);
- 1.2 Regional Administrative Conference of the Members of the Union in the African Broadcasting Area to Abrogate the Regional Agreement for the African Broadcasting Area (Geneva, 1963) Geneva, (4-5 December, 1989);
- [1.3 Plenipotentiary Conference, Geneva, two weeks 1991;]
- 1.4 World Administrative Radio Conference for dealing with Frequency Allocations in certain bands, taking into account the Resolutions and Recommendations of WARC HFBC-87, WARC MOB-87 and WARC ORB-88 relating to frequency allocation. In addition this Conference may consider defining certain new space services and consider allocations to these services in frequency bands above 20 GHz; (Spain, 1992, six weeks);
- 1.5 World Administrative Radio Conference for dealing with matters connected with the high frequency broadcasting service, (Geneva, 1993, four weeks);
- 1.6 Regional Administrative Radio Conference to Establish Criteria for the Shared Use of the VHF and UHF Bands Allocated to Fixed, Broadcasting and Mobile Services and if necessary planning for the Broadcasting Service in all or part of Region 3 and countries concerned in Region 1, to be determined by the Administrative Council after consultation with Members concerned (end 1994, four weeks);

1.7 Plenipotentiary Conference (1995, five weeks);

2. regarding the agendas of the conferences, that:

2.1 the agendas for the conferences mentioned in 1.1 and 1.2 already established by the Administrative Council, shall remain unchanged;

2.2 the agenda for the Conference in 1.4 above shall be established by the Administrative Council, taking into account the Resolutions and Recommendations of WARC HFBC-87, WARC MOB-87 and WARC ORB-88 relating to frequency allocations;

2.3 the agenda for the WARC on HFBC shall be established by the Council taking into account the Resolutions and Recommendations of WARC HFBC-87 relating to the HFBC Planning System and procedures;

3. that the conferences shall be held within the period indicated in paragraph 1 above, the precise dates being set by the Administrative Council after consulting the Members of the Union, and leaving sufficient time between the various conferences. However, in cases where precise dates are indicated for the session of conferences, they shall not be changed. The durations indicated in paragraph 1 above for conferences for which the agendas have already been established shall not be changed; the precise duration of the other conferences shall be decided by the Administrative Council after their agendas have been established, within the duration limits indicated in paragraph 1.

ANNEX 2

RESOLUTION No. [PL-B/2]

Improvement of Use by the Aeronautical Mobile (OR)
Service of the Frequency Bands Governed by Appendix 26
to the Radio Regulations

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

considering

a) that the Frequency Allotment Plan for the aeronautical service prepared by the International Administrative Aeronautical Radio Conference (IAARC), Geneva, 1949, and adopted by the Extraordinary Administrative Radio Conference, Geneva, 1951, was substantially adopted by the Administrative Radio Conference, Geneva, 1959, and included in the Radio Regulations as Appendix 26;

b) that the Extraordinary Administrative Radio Conference, Geneva, 1966, adopted a separate plan for the aeronautical mobile (R) service and decided to include this plan as Appendix 27;

c) that the World Administrative Radio Conference, Geneva, 1978, on the aeronautical mobile (R) service, adopted technical principles for establishing the Frequency Allotment Plan for the aeronautical mobile (R) service, in particular the use of the 3 kHz separation between carrier frequencies for certain classes of emissions and powers which can be directly applied in establishing the Allotment Plan for the aeronautical mobile (R) service;

d) that the Allotment Plan for the aeronautical mobile (OR) service, Appendix 26, has not therefore been revised since the Administrative Radio Conference, Geneva, 1959;

e) that, since 1959 many additional countries have become Members of the Union and therefore have no allotments in the Plan of Appendix 26;

f) that the WARC-79 adopted Resolution No. 403 relating to the use of the frequencies 3 023 and 5 680 kHz common to the aeronautical mobile (R) and (OR) services necessitating common characteristics between these mobile services for safety purposes,

recognizing

1. that the plan for the aeronautical mobile (OR) service contained in Appendix 26 of the Radio Regulations requires appropriate adjustments with a view to using modern technology and a more efficient use of the spectrum;

2. that the programme of conferences and meetings to be held in the period preceding the next Plenipotentiary Conference does not permit the convening of a planning conference;

3. that, pending the convening of such a conference, there is a need for early action to improve use by the aeronautical mobile (OR) service of the frequency bands governed by Appendix 26;

4. that the action required by this Resolution is similar to that contained in Resolution 325, and by a re-arrangement of its internal work priorities. The IFRB should undertake the necessary action without the need for additional resources,

instructs the IFRB

1. to prepare a draft channelling arrangement for the frequency bands allocated to the aeronautical mobile (OR) service contained in Appendix 26 using the criteria adopted in this respect for the aeronautical mobile (R) service in Appendix 27;

2. to obtain the view of all administrations on the proposed channelling arrangement and to modify it in accordance with these comments to the extent practicable;

3. to propose to each administration concerned single sideband carrier frequencies intended to replace its allotment(s) in Appendix 26, with the minimum necessary frequency shift resulting from the new channelling arrangement, and obtain its agreement to the proposed frequencies;

4. to inform administrations at an appropriate date on the need for them to transfer their operating stations to the new allotted channels on the date indicated under "resolves";

5. to apply the procedures outlined in the annex to Resolution No. 325 (MOB-87) and in Article 16 of the Radio Regulations commencing with the requirements of administrations not appearing in Appendix 26;

6. to prepare for consideration by the WARC [1992] the minimum modification of Article 12 of the Radio Regulations to take account of the above actions;

resolves

that, at 0001 hours on 15 December 1992 (subject to confirmation by the WARC 1992), administrations shall change the transmitting frequencies of their operating stations in the aeronautical mobile (OR) service to the replacement frequencies resulting from the action taken in accordance with this Resolution;

recommends

that the next Plenipotentiary Conference, when considering Recommendation 406* of the WARC-79, to take account of the results of the action taken in accordance with this Resolution.

instructs the Administrative Council

to put on the agenda for the WARC to be held in 1992 the consideration of modifications to Article 12 of the Radio Regulations in order to take account of the above actions.

1 Recommendation 406 - "Relating to the Revision of the Frequency Allotment Plan for the Aeronautical Mobile (OR) Service".

ANNEX 3

DRAFT RESOLUTION [PL-B/3]

Voluntary Group of Experts on Allocation, Improved Use of the Radio-Frequency Spectrum and Simplification of the Radio Regulations

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

considering

a) the need to review the service definitions (Radio Regulations Article 1) to cater for converging technologies and to develop the basis for a future review of the Table of Frequency Allocations (Radio Regulations Article 8) including an examination of alternatives to the way in which the radio-frequency spectrum is allocated. The objective of this review would be to maximize the efficient use of the frequency spectrum, to cover multifunctional radio systems and improve the administrative provisions to allow more service and system sharing;

b) the relevant parts of the final report of the Panel of Experts implemented in accordance with Resolution No. 68 of the Plenipotentiary Conference, Nairobi 1982, which concluded the need to simplify the regulatory procedures in the Radio Regulations and the related terminology, phraseology and mechanisms themselves,

resolves

that a Panel of Experts should study the problems mentioned above and prepare Recommendations to solve these problems;

resolves further

a) to invite the Administrative Council:

1. to establish a Voluntary Group of Experts from administrations with the following terms of references:

1.1 to review, in the light of technical developments, the definitions in Article 1 of the Radio Regulations and the structure and definitions of the relative status of allocations in Article 8 of the Radio Regulations with a view to improving the utilization and economic use of the radio-frequency spectrum, to increasing the flexibility in order to give more sharing possibilities, and to considering alternatives in the manner in which spectrum is allocated;

1.2 to review the regulatory provisions and procedures of the Radio Regulations with a view to developing Recommendations to simplify the Radio Regulations in general;

2. to request the Voluntary Group of Experts to conduct the review and to submit a report including Recommendations to the Administrative Council with respect to 1.1 of the terms of reference to the Council Meeting in 1992 and with respect to 1.2 to the Council Meeting in 1994;

3. to consider the reports and Recommendations of the Panel of Experts and to forward the report together with their own conclusions thereon to administrations by 1 January 1993 and 1 January 1995;

4. to consider the inclusion of these subjects on the agenda of a competent World Administrative Radio Conference for decision;

5. to ensure, in establishing this Voluntary Group of Experts, that no costs are charged to the ordinary budget of the Union other than secretariat costs for the elaboration, publication and distribution to the Members of the Union of the draft texts referred to above;

b) to invite Administrations to respond to the initiative to be taken by the Administrative Council by nominating appropriate specialists to join the Voluntary Group of Experts;

c) to invite the Secretary-General, the Chairman and Members of the IFRB, and the Directors of the CCIs to afford the Voluntary Group of Experts all necessary assistance required for the successful completion of the review.

ANNEX 4

RESOLUTION ...

**Review of the Preparatory, Regulatory
and Post-Conference Activities of
Administrative Radio Conferences**

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

taking account of

- a) the expenses incurred and the high performance demand of the IFRB because of character, duration and scope of the recent administrative radio conferences;
- b) the enormous changes resulting from applications of computer techniques in preparing and holding administrative radio conferences and implementing their decisions;
- c) the dynamic development of telecommunications and the resulting changes in character and extent of the utilization of frequencies;

resolves to initiate a careful review of the preparatory and regulatory system of administrative radio conferences and their post-conference activities

- 1. to instruct the Administrative Council;
 - 1.1 to establish a Group of Experts of administrations in order to effect the review referred to in this Resolution;
 - 1.2 to request the Group of Experts to effect the review and submit to the Administrative Council a report on the review, including relevant Recommendations, by 1 January 1993;
 - 1.3 to instruct the Group of Experts to consider carefully the replacement of the forthcoming administrative radio conferences by a more cost-effective, time-saving and less energy-consuming alternative and to submit relevant Recommendations to the Administrative Council by 1 January 1993;
 - 1.4 to instruct the Group of Experts to compare in its report all advantages and disadvantages of any suggested alternative;
 - 1.5 to include the matter on the agenda of the forthcoming Plenipotentiary Conference;
- 2. to invite administrations to support the initiative to be taken by the Administrative Council by naming suitable experts for the Group of Experts referred to in paragraph 1.1;

3. to request the Secretary-General, the Chairman and the members of the IFRB, and the Directors of the International Consultative Committees as well, to provide all necessary assistance to the Group of Experts in completing the review;

4. to urge the forthcoming Plenipotentiary Conference to consider the report and the Recommendations of the Group of Experts following the approval by the Administrative Council, and initiate appropriate measures.

Reasons: Some of the main reasons, which led to an increase of the ITU's general and staff costs in recent years, are to be found in character, extent and duration of the administrative radio conferences.

Since the IFRB had been increasingly furnished with new computer techniques, this ITU organ had been involved in preparation of frequency planning procedures and software to an ever more extensive degree.

While in the course of conferences, in particular frequency planning conferences, a high amount of time and energy is required for the elaboration of technical parameters (Study Groups, Interim Working Parties and Plenary Assemblies of CCIR), which are to be adopted at the first session, the software for the planning process is arising after the first session and is as a consequence available to the administrations at the second session.

During recent conferences this resulted in extended and ineffective debates on the availability of the elaborated planning parameters and principles and the software as well. Furthermore, the capability of a timely and unambiguous regulation of the resultant planning procedures is restricted.

In accordance with the reasons mentioned it is necessary to elaborate alternatives of the current preparatory, regulatory and post-conference activities of administrative radio conferences.

CONFERENCE & MEETINGS COSTS (For six years : 1990 - 1995)

(In thousands of Swiss Francs 1/4/89)

YEAR	1990	1991	1992	1993	1994	1995	Total
Administrative Council*	681	681	681	681	681	681	4.086
CCITT Study Group	5.832	8.253	8.948	4.726	6.195	9.492	43.446
CCITT Plenary Assembly			1.317				1.317
CCIR Study Group		4.130	4.046	6.274		4.469	18.919
CCIR Plenary Assembly	1.651				1.673		3.324
WARC 1992 Frequency Allocation		1.336 **	6.140				7.476
WARC 1993 HFBC	1.380	1.380	1.380	4.328			8.468
Plenipotentiary Conference						4.485	4.485
SEMINARS							
I.F.R.B (Geneva)	100		100		100		300
I.F.R.B (Regional)		270		270		270	810
Fellowships for IFRB seminars	650	720	650	720	650	720	4.110
ADMINISTRATIONS	200	200	200	200	200	200	1.200
TOTAL	10.494	16.970	23.462	17.199	9.499	20.317	97.941

* Excluding cost associated with voluntary group of experts under Draft Resolution [PL-B/3]

** Cost of CCIR Conference preparatory meeting

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 380-E
21 June 1989
Original : English

PLENARY MEETING

Note by the Secretary-General

CANDIDACIES FOR THE POSTS OF DIRECTOR OF THE CCIR AND OF THE CCITT

The following candidacies for the posts of Director of the CCIR and Director of the CCITT were submitted by the deadline for nominations (Wednesday, 21 June 1989 at 2100 hours UTC - see Document No. 356) :

A. For the post of Director of the CCIR

- Mr. Richard C. KIRBY (United States of America)
- Prof. Ilija STOJANOVIC (Socialist Federal Republic of Yugoslavia)

B. For the post of Director of the CCITT

- Mr. Theodor IRMER (Federal Republic of Germany)

R.E. BUTLER
Secretary-General

PLENIPOTENTIARY CONFERENCE

NICE, 1989

PLENARY MEETING

Note by the Secretary-General

CANDIDACIES FOR THE POSTS OF MEMBER OF THE IFRB

The following candidacies for the posts of Member of the IFRB were submitted by the deadline for nominations (Wednesday, 21 June 1989 at 2100 hours UTC - see Document No. 356) :

Region A

- Mr. Gary Caulderwood BROOKS (Canada)
- Mr. Arthur ITUASSU (Brazil)

Region B

- Mr. William Henry BELLCHAMBERS (United Kingdom)
- Mr. Thormod BØE (Norway)

Region C

- Mr. Vladimir KOZLOV (U.S.S.R.)

Region D

- Mr. Abderrazak BERRADA (Morocco)
- Mr. Alioune MBodji DIONE (Senegal)
- Mr. Mohamed HARBI (Algeria)
- Dr. Ahmed Mahmmoud YOUSIF (Sudan)

Region E

- Mr. LIU Zhongen (China)
- Mr. Makoto MIURA (Japan)

R.E. BUTLER
Secretary-General

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 381-E

21 June 1989

Original : English

PLENARY MEETING

Note by the Secretary-General

CANDIDACIES FOR THE POSTS OF MEMBER OF THE IFRB

The following candidacies for the posts of Member of the IFRB were submitted by the deadline for nominations (Wednesday, 21 June 1989 at 2100 hours UTC - see Document No. 356) :

Region A

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- Mr. Thormod BØE (Norway)

Region C

- Mr. Vladimir KOZLOV (U.S.S.R.)

Region D

- Mr. Abderrazak BERRADA (Morocco)
- Mr. Alioune MBodji DIONE (Senegal)
- Mr. Mohamed HARBI (Algeria)
- Dr. Ahmed Mahmmoud YOUSIF (Sudan)

Region E

- Mr. LIOU Zhongen (China)
- Mr. Makoto MIURA (Japan)

R.E. BUTLER
Secretary-General

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 382-E

22 June 1989

Original : English

PLENARY MEETING

Note by the Secretary-General

TRANSFER OF POWERS

Republic of Fiji - Papua New Guinea

The Government of the Republic of Fiji has informed me that it cannot send a delegation to the Conference.

In pursuance of 391 of the Convention, it has given the delegation of Papua New Guinea powers to represent it and to vote on its behalf at the elections which will be held during this Conference.

The instrument for the transfer of powers has been deposited with the Secretariat of the Credentials Committee. The Chairman has examined this instrument as authorized by the Eleventh Plenary Meeting and has found it to be in order.

R.E. BUTLER
Secretary-General

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 383-E
21 June 1989
Original: French

PLENARY MEETING

REPORT BY THE CHAIRMAN OF COMMITTEE 4 TO THE PLENARY MEETING (Fifth report of Committee 4)

At its eighth meeting held on 21 June 1989, the Finance Committee considered the requests submitted by the Republic of Liberia and the Islamic Federal Republic of the Comoros for the transfer of their debts to the special arrears account and for cancellation of the the sums due in respect of interest on arrears.

A. REPUBLIC OF LIBERIA

The Republic of Liberia participated in defraying Union expenditure in the one-unit class until the end of 1983; since 1984 it has been in the 1/4 class.

For the reasons given in Document 289, the Republic of Liberia is facing considerable financial difficulties. Despite those difficulties, the Republic of Liberia made three payments in 1989, thus underlining its wish and its determination to discharge its obligations towards the Union.

The Republic of Liberia undertakes to settle its unpaid contributions from 1978 to 1989 over a period of time to be agreed and to honour its obligations on an annual basis.

B. ISLAMIC FEDERAL REPUBLIC OF THE COMOROS

The Islamic Federal Republic of the Comoros participated in defraying Union expenditure in the 1/2 unit class until 1983; since 1984 it has been in the 1/8 unit class.

Despite grave economic difficulties and frequent natural disasters, the Islamic Federal Republic of the Comoros undertakes to settle the accounts for its contributions and unpaid publications from 1978 to 1989 on the basis of an amortization plan compatible with its resources. Reference should be made to Document 365.

PROPOSAL OF THE FINANCE COMMITTEE

Committee 4 proposes that the following measures should be taken by the Plenary Meeting:

1. the following unpaid sums should be transferred to a special arrears account:

Republic of Liberia	1,030,810.-- Swiss francs
Islamic Federal Republic of the Comoros	612,205.20 Swiss francs

2. the sums transferred to this special arrears account should no longer bear interest;
3. the transfer of these sums to the special account should not release the two countries from payment of the sums in question;
4. the sums due in respect of the special arrears account should not be taken into account in applying the provisions of No. 117 of the Convention;
5. the sums due in respect of interest on arrears, namely:

Republic of Liberia	514,766.50 Swiss francs
Islamic Federal Republic of the Comoros	285,725.45 Swiss francs

should be transferred to a special interest account.

The text of Resolution No. COM4/5 revised has been transmitted to the Editorial Committee which will submit it to the Plenary Meeting at a later stage.

M. GHAZAL
Chairman of Committee 4

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to

Document 384-E

22 June 1989

Original: French

PLENARY MEETING

Note by the Secretary-General

CANDIDACIES FOR THE ELECTIONS TO THE ADMINISTRATIVE COUNCIL

I have the honour to inform the Plenipotentiary Conference that the candidacy of Portugal for election to the Administrative Council has been withdrawn.

R.E. BUTLER
Secretary-General

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 384-E

21 June 1989

Original : English

PLENARY MEETING

Note by the Secretary-General

CANDIDACIES FOR THE ELECTIONS TO THE ADMINISTRATIVE COUNCIL

The following candidacies for the elections to the Administrative Council were submitted by the deadline for nominations (Wednesday, 21 June 1989 at 2100 hours UTC - see Document No. 356) :

(In French alphabetical order)

Region A - The Americas

Argentine Republic
Brazil (Federative Republic of)
Canada
Chile
Colombia (Republic of)
Costa Rica
Cuba
Ecuador
United States of America
Jamaica
Mexico
Paraguay (Republic of)
Peru
Suriname (Republic of)
Uruguay (Eastern Republic of)
Venezuela (Republic of)

Region B - Western Europe

Germany (Federal Republic of)
Spain
France
Greece
Italy
Portugal
United Kingdom of Great Britain
and Northern Ireland
Sweden
Switzerland (Confederation of)
Turkey

Region C - Eastern Europe and Northern Asia

Bulgaria (People's Republic of)
German Democratic Republic
Czechoslovak Socialist Republic
Union of Soviet Socialist Republics

Region D - Africa

Algeria (People's Democratic Republic of)
Benin (People's Republic of)
Burkina Faso
Cameroon (Republic of)
Cape Verde (Republic of)
Central African Republic
Côte d'Ivoire (Republic of)
Egypt (Arab Republic of)
Ethiopia (People's Democratic Republic of)
Kenya (Republic of)
Madagascar (Democratic Republic of)
Mali (Republic of)
Morocco (Kingdom of)
Nigeria (Federal Republic of)
Senegal (Republic of)
Sudan (Republic of the)
Swaziland (Kingdom of)
Tanzania (United Republic of)
Togolese Republic
Tunisia
Zambia (Republic of)

Region E - Asia and Australasia

Saudi Arabia (Kingdom of)
Australia
China (People's Republic of)
Korea (Republic of)
India (Republic of)
Indonesia (Republic of)
Iran (Islamic Republic of)
Japan
Jordan (Hashemite Kingdom of)
Kuwait (State of)
Lebanon
Malaysia
Pakistan (Islamic Republic of)
Philippines (Republic of the)
Syrian Arab Republic
Sri Lanka (Democratic Socialist Republic of)
Thailand

R.E. BUTLER
Secretary-General

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 385(Rev.1)-E

26 June 1989

Original: English

COMMITTEE 7

Algeria, Saudi Arabia, Brazil, Burkina Faso,
Canada, China, Ethiopia, Hungary, Nigeria

CONSOLIDATED TEXT FOR POINT 74 (CONSTITUTION, ARTICLE 10)
RE-ELECTION OF MEMBERS OF THE IFRB

Documents referred:

HNG/22/5; ALG/57/4; B/58/22; ARS/60/7; ETH/68/6; CAN/72/8; NIG/74/5; CHN/78/3;
BFA/194/4

Comments:

All documents agree with the principle of re-election once only.

Proposal:

To adopt the text proposed by Hungary, as follows:

74 2. The members of the International Frequency Registration Board shall take up their duties on the dates determined at the time of their election and shall remain in office until dates determined by following Plenipotentiary Conference, and they shall be eligible for re-election once only. ~~At each election any serving member of the Board may be proposed again as a candidate by the Member of which he is a national.~~

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 385-E

21 June 1989

Original: English

COMMITTEE 7

Algeria, Saudi Arabia, Brazil, Burkina Faso,
Canada, China, Hungary, Nigeria

CONSOLIDATED TEXT FOR POINT 74 (CONSTITUTION, ARTICLE 10) RE-ELECTION OF MEMBERS OF THE IFRB

Documents referred:

HNG/22/5; ALG/57/4; B/58/22; ARS/60/7; ETH/68/6; CAN/72/8; NIG/74/5; CHN/78/3;
BFA/194/4

Comments:

All documents agree with the principle of re-election once only.

Proposal:

To adopt the text proposed by Hungary, as follows:

- 74 2. The members of the International Frequency Registration Board shall take up their duties on the dates determined at the time of their election and shall remain in office until dates determined by following Plenipotentiary Conference, and they shall be eligible for re-election once only. ~~At each election any serving member of the Board may be proposed again as a candidate by the Member of which he is a national.~~

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 386-E

21 June 1989

Original : French

COMMITTEE 4

ARREARS

Committee 4 is requested to approve the attached draft Resolution.

M. GHAZAL
Chairman of Committee 4

Annex: 1

ANNEX

DRAFT RESOLUTION NO. COM4/5

Settlement of Accounts in Arrears

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

in view of

a) the Report of the Secretary-General to the Plenipotentiary Conference on
the situation with regard to amounts owing to the Union;

b) Resolution No. 10 annexed to the International Telecommunication
Convention (Malaga-Torremolinos, 1973);

c) Resolution No. 53 annexed to the International Telecommunication
Convention (Nairobi, 1982),

noting with satisfaction

a) that Chile, Costa Rica, the Republic of Haiti, Peru, the Eastern Republic
of Uruguay and the Yemen Arab Republic with regard to Resolution No. 10 of the
Malaga-Torremolinos Conference and the Central African Republic with regard to
Resolution No. 53 of the Nairobi Conference have settled their debts in full;

b) that the Republic of El Salvador has been regularly reducing its debt and
that only one further payment remains to be received by the Union,

regretting

that the Republic of Bolivia and the Dominican Republic with regard to
Resolution No. 10 of the Malaga-Torremolinos Conference and the Republic of Guatemala,
the Islamic Republic of Mauritania and the Republic of Chad with regard to
Resolution No. 53 of the Nairobi Conference have not announced any schedule for the
settlement of their debts,

considering

that it is in the interests of all Members of the Union to maintain the finances
of the Union on a sound footing,

resolves

1. for the Republic of Sudan

1.1 that the contributions for the years 1980 to 1983, amounting to
567,047.95 Swiss francs, shall be transferred to a special arrears
account bearing no interest;

1.2 that the interest on arrears, namely, 306,507.55 Swiss francs,
shall be transferred to a special interest account;

2. for the Republic of Liberia

- 2.1 that the contributions for the years 1979 to 1989, amounting to 1,030,810 Swiss francs, shall be transferred to a special arrears accounting bearing no interest;
- 2.2 that the interest on arrears, namely, 514,766.50 Swiss francs, shall be transferred to a special interest account;

3. for the Islamic Federal Republic of the Comoros

- 3.1 that the contributions and the amounts owing for publications for the years 1978 to 1989, amounting to 612,205.20 Swiss francs, shall be transferred to a special arrears account bearing no interest;
- 3.2 that the interest on arrears, namely, 285,725.45 Swiss francs, shall be transferred to a special interest account;

4. that the transfer to the special arrears account shall not release the countries concerned from the obligation to settle their arrears;

5. that the amounts due in the special arrears account shall not be taken into account when applying No. 117 of the Convention;

6. that this Resolution shall not in any circumstances be invoked as a precedent;

instructs the Secretary-General

1. to negotiate with the competent authorities of all the countries in arrears in the payment of their contributions, the terms for the staggered payment of their debts;

2. to report annually to the Administrative Council on the progress made by these countries towards repaying their debts,

invites the Administrative Council

to study ways of settling the special interest account.

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 387-E

22 June 1989

Original: English

COMMITTEE 10

FOURTH SERIES OF TEXTS FROM COMMITTEE 8 TO THE EDITORIAL COMMITTEE

Committee 8 has adopted the attached texts, which it submits to the Editorial Committee for consideration and for transmission in due course to the Plenary Meeting.

Two Administrations reserved their position:

- ARG, on the "further resolves" of the Resolution;
- ARS, on Resolution COM8/2.

M.F. DANDATO
Chairman of Committee 8

Annexes: A and B

ANNEX A

RESOLUTION No. COM8/2

**Procedure for Defining a Region for the Purpose of Convening a
Regional Administrative Conference**

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

recognising

a) that certain provision of the [draft Constitution and draft Convention] relate to the convening of a regional administrative conference (in particular No. [50 of the draft Constitution and Nos. 16-21, and 167 of the draft Convention]);

b) that some specific regions and areas are defined in the Radio Regulations;

c) that a Plenipotentiary Conference and a World Administrative Conference have the competence to define a region for a specific regional administrative conference;

d) that a regional administrative conference may be convened on a proposal by the Administrative Council but there has been no explicit authority for the Administrative Council to take a decision on the definition of a region;

considering

a) that it may be necessary to define a region for the purpose of convening a specific regional administrative conference;

b) that the Administrative Council provides the most appropriate alternative means of defining a region, when such action is necessary in the interval between appropriate world administrative conferences or Plenipotentiary Conferences;

resolves

a) that, if and when it becomes necessary to define a region for the purpose of convening a specific regional administrative conference, the Administrative Council shall propose a definition of the region;

b) that all Members of the proposed region shall be consulted on that proposal and all Members of the Union shall be informed of the proposal;

c) that the region shall be deemed to have been defined when two thirds of the Members of the proposed region have responded in the affirmative within a time period determined by the Administrative Council;

d) that the composition of the region shall be communicated to all Members;

further resolves

that within the [draft Constitution and draft Convention] the term "region" shall, except where otherwise stated, include the regions and areas defined in the Radio Regulations and any region defined under the provisions of this Resolution.

invites

a) the Administrative Council to take note of this Resolution and take any appropriate action;

b) the Administrative Council to consider combining, where appropriate, the consultation of Members on the definition of the region with the consultation on convening the regional administrative conference.

ANNEX B

ARTICLE 2

Rights and Obligations of Members

- (MOD) * 7 1. Members of the Union shall have the rights and shall be subject to the obligations provided for in this Constitution and the Convention.
- NOC 8 2. Rights of Members in respect of their participation in the conferences, meetings and consultations of the Union are:
- NOC 9 a) all Members shall be entitled to participate in conferences of the Union, shall be eligible for election to the Administrative Council and shall have the right to nominate candidates for election to any of the permanent organs of the Union;
- MOD 10 b) subject to the provisions of Nos. 122 and 175 of this Constitution, each Member shall have one vote at all conferences of the Union Plenipotentiary Conferences, at all world administrative conferences, at all meetings of the International Consultative Committees and, if it is a Member of the Administrative Council, at all sessions of that Council. At regional administrative conferences, only the Members of the region concerned shall have a vote;
- MOD 11 c) subject to the provisions of Nos. 122 and 175 of this Constitution, each Member shall also have one vote in all consultations carried out by correspondence. In the case of consultations regarding regional administrative conferences only those Members of the region in question shall have a vote.

* Orthographical correction to be made in F, so as to align with E and S.
(PREVUES)

CONFÉRENCE DE PLÉNIPOTENTIAIRES

NICE, 1989

Corrigendum 1 to
Document 388 (Rev.1) - F/E/S
5 July 1989

ELEMENTS INVOLVED IN A GLOBAL APPROACH TO CERTAIN IMPORTANT CONFERENCE QUESTIONS

Page 3, replace paragraph 7) by the following:

- 7) Transitional provisions shall be included in the Constitution of Nice in order that, in case of a meeting of the additional Plenipotentiary Conference mentioned in point 2.7 above, those of the results of the Nice election which are not concerned by the structural changes decided by this Conference shall be maintained.

(Ce corrigendum ne concerne pas le texte français.)

(Este corrigendum no concierne al texto español.)

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 388(Rev.1)-E

22 June 1989

Original: French

PLENARY MEETING

CONTRIBUTIONS TO THE WORK OF THE CONFERENCE

Algeria, Germany (Federal Republic of), Angola, Saudi Arabia, Argentina, Austria, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Botswana, Brazil, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chile, China, Cyprus, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Djibouti, Egypt, United Arab Emirates, Spain, Ethiopia, Finland, France, Gabon, Gambia, Ghana, Greece, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Iceland, Italy, Jamaica, Jordan, Kenya, Kuwait, Lesotho, Lebanon, Liberia, Libya, Liechtenstein, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Morocco, Mexico, Niger, Nigeria, Norway, Oman, Uganda, Pakistan, Paraguay, Peru, Philippines, Portugal, Qatar, Syria, Rwanda, Senegal, Sudan, Sri Lanka, Sweden, Switzerland, Suriname, Swaziland, Tanzania, Chad, Togo, Tunisia, Turkey, Viet Nam, Yemen A.R., Yemen (P.D.R. of), Yugoslavia, Zaire, Zambia

ELEMENTS INVOLVED IN A GLOBAL APPROACH TO CERTAIN IMPORTANT CONFERENCE QUESTIONS

- 1) It has become clear that, in order to progress the work of the Conference, it is preferable to have a global approach and to avoid separate handling of certain important issues.
- 2)
 - 2.1. A general and exhaustive study is required concerning the structure and mode of operation of the permanent organs of the Union including financial and administrative implications.
 - 2.2. This Conference should define the terms of reference for the Group in charge of this study.
 - 2.3. The Administrative Council, at an extraordinary session in October 1989, should define precise procedures for the tasks required and the composition of the Group responsible for the study. This Group should be composed of high level representatives of the administrations and should call on the services of outside consultants selected by the Administrative Council, within the limits of the budget agreed for this purpose.
 - 2.4. This Group of representatives of the Administrations should report periodically to the Administrative Council on its work.

The Administrative Council should ensure that all Members are regularly informed and should send them a global and exhaustive interim report so that they can send in their comments to the study Group.

- 2.5. The final report should then be drawn up and circulated to Members by the Administrative Council.
 - 2.6. The latter should implement the recommendations within its competence and should transmit to the heads of the permanent organs for action whatever recommendations fall within the latter's scope.
 - 2.7. Since it is difficult at this stage to estimate the exact duration and results of the study, if the Administrative Council at its 1991 meeting considers that a Plenipotentiary Conference is required to implement all or part of the recommendations, it should be free to decide whether the recommendations should be submitted to an additional Plenipotentiary Conference or to the Plenipotentiary Conference which is to be held normally in 1994.
- 3) The Nice Conference should also decide immediately to set up a new permanent organ, the Telecommunications Development Bureau (TDB), with the same status as the other permanent organs of the Union and defined in the new Nice Constitution.

The gradual implementation of the TDB should begin immediately after the Nice Conference under the responsibility of the Secretary General.

The next Plenipotentiary Conference as mentioned in point 2.7 above should elect the Director of the TDB.

4)

- 4.1. The TDB should have stable and guaranteed resources which enable it to perform its duties. These resources, charged to the ordinary budget of the Union, should increase gradually over a five-year period until they reach a ceiling to be set by this Conference.
- 4.2. To give substance to the proposal in paragraph 4.1 above and to ensure stable funding for all the TDB's activities, the budget provided for these activities in 1990 will be 13 % of the regular budget without exceeding 15 million Swiss francs.

After 1990 this budget will be increased regularly up to and including 1994 where it will reach 20 % of the regular budget without exceeding 22,5 million Swiss francs, at constant economic conditions.

5)

5.1. The staff and resources of the present Technical Cooperation Department will form the nucleus of the TDB.

5.2. The Centre for Telecommunications Development (CTD) will remain autonomous and separate from the TDB for a two-year period of observation ; in 1991 the Administrative Council will decide on the Centre's future in the light of the initial findings of the general study referred to in paragraph 2.1 above and/or the appraisal of the results achieved by the CTD up to that time.

During this period the Secretary General, in his capacity of senior Vice-Chairman of the CTD Advisory Board, will continue to ensure the complementarity of the activities of the TDB and the CTD.

6) With the exception of the creation of the TDB, the structure of the permanent organs of the Union should not be changed by the present Conference, which should elect the 5 members of the IFRB and the 2 Directors of the CCIR and CCITT.

7) Transitional provisions shall be included in the Constitution of Nice in order that, in case of a meeting of the Plenipotentiary Conference mentioned in point 2.7 above, those of the results of the Nice election which are not concerned by the structural changes decided by this Conference shall be maintained.

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to

Document 388-E

22 June 1989

CORRECTION TO DOCUMENT 388

Denmark's name was included by mistake in the list of countries submitting this document and should therefore be deleted.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 388-E
22 June 1989
Original: French

PLENARY MEETING

CONTRIBUTIONS TO THE WORK OF THE CONFERENCE

Algeria, Germany (Federal Republic of), Angola, Saudi Arabia, Argentina,
Austria, Bahrain, Belgium, Benin, Brazil, Burkina Faso, Burundi, Cameroon,
Cape Verde, Central African Republic, Chile, China, Cyprus, Comoros, Congo,
Costa Rica, Côte d'Ivoire, Denmark, Djibouti, Spain, Ethiopia, Finland, France,
Ghana, Greece, Guinea, India, Iran (Islamic Republic of), Iraq, Iceland, Italy,
Jordan, Kenya, Kuwait, Lesotho, Lebanon, Liberia, Libya, Liechtenstein,
Luxembourg, Madagascar, Malawi, Mali, Malta, Morocco, Mexico, Nigeria, Norway,
Uganda, Pakistan, Peru, Portugal, Qatar, Rwanda, Senegal, Sudan, Sweden,
Switzerland, Swaziland, Syria, Tanzania, Chad, Togo, Tunisia,
Yugoslavia, Zambia

ELEMENTS INVOLVED IN A GLOBAL APPROACH TO CERTAIN IMPORTANT CONFERENCE QUESTIONS

- 1) It has become clear that, in order to progress the work of the Conference, it is preferable to have a global approach and to avoid separate handling of certain important issues.
- 2)
 - 2.1. A general and exhaustive study is required concerning the structure and mode of operation of the permanent organs of the Union including financial and administrative implications.
 - 2.2. This Conference should define the terms of reference for the Group in charge of this study.
 - 2.3. The Administrative Council, at an extraordinary session in October 1989, should define precise procedures for the tasks required and the composition of the Group responsible for the study. This Group should be composed of high level representatives of the administrations and should call on the services of outside consultants selected by the Administrative Council, within the limits of the budget agreed for this purpose.
 - 2.4. This Group of representatives of the Administrations should report periodically to the Administrative Council on its work.

The Administrative Council should ensure that all Members are regularly informed and should send them a global and exhaustive interim report so that they can send in their comments to the study Group.

- 2.5. The final report should then be drawn up and circulated to Members by the Administrative Council.
- 2.6. The latter should implement the recommendations within its competence and should transmit to the heads of the permanent organs for action whatever recommendations fall within the latter's scope.
- 2.7. Since it is difficult at this stage to estimate the exact duration and results of the study, if the Administrative Council at its 1991 meeting considers that a Plenipotentiary Conference is required to implement all or part of the recommendations, it should be free to decide whether the recommendations should be submitted to an additional Plenipotentiary Conference or to the Plenipotentiary Conference which is to be held normally in 1994.
- 3) The Nice Conference should also decide immediately to set up a new permanent organ, the Telecommunications Development Bureau (TDB), with the same status as the other permanent organs of the Union and defined in the new Nice Constitution.

The gradual implementation of the TDB should begin immediately after the Nice Conference under the responsibility of the Secretary General.

The next Plenipotentiary Conference as mentioned in point 2.7 above should elect the Director of the TDB.

4)

- 4.1. The TDB should have stable and guaranteed resources which enable it to perform its duties. These resources, charged to the ordinary budget of the Union, should increase gradually over a five-year period until they reach a ceiling to be set by this Conference.
- 4.2. To give substance to the proposal in paragraph 4.1 above and to ensure stable funding for all the TDB's activities, the budget provided for these activities in 1990 will be 13 % of the regular budget without exceeding 15 million Swiss francs.

After 1990 this budget will be increased regularly up to and including 1994 where it will reach 20 % of the regular budget without exceeding 22,5 million Swiss francs, at constant economic conditions.

5)

5.1. The staff and resources of the present Technical Cooperation Department will form the nucleus of the TDB.

5.2. The Centre for Telecommunications Development (CTD) will remain autonomous and separate from the TDB for a two-year period of observation ; in 1991 the Administrative Council will decide on the Centre's future in the light of the initial findings of the general study referred to in paragraph 2.1 above and/or the appraisal of the results achieved by the CTD up to that time.

During this period the Secretary General, in his capacity of senior Vice-Chairman of the CTD Advisory Board, will continue to ensure the complementarity of the activities of the TDB and the CTD.

6) With the exception of the creation of the TDB, the structure of the permanent organs of the Union should not be changed by the present Conference, which should elect the 5 members of the IFRB and the 2 Directors of the CCIR and CCITT.

7) Transitional provisions shall be included in the Constitution of Nice in order that, in case of a meeting of the Plenipotentiary Conference mentioned in point 2.7 above, those of the results of the Nice election which are not concerned by the structural changes decided by this Conference shall be maintained.

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 389-E

22 June 1989

Original: English

PLENARY MEETING

Note by the Secretary-General

MEMBERS'S CONTRIBUTIONS,
REPUBLIC OF KOREA

I have the honour to transmit the attached letter to the
Plenipotentiary Conference.

R.E. BUTLER
Secretary-General

Annex: 1

Annex 1

MINISTRY OF COMMUNICATIONS
REPUBLIC OF KOREA

16 June 1989

Mr. R.E. Butler
Secretary-General
International Telecommunication Union

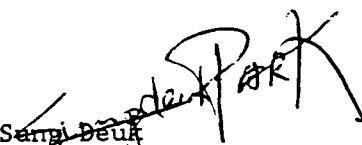
Dear Mr. Butler,

It is my pleasure to confirm that the Government of the Republic of Korea has decided to choose five (5) unit class of its contribution unit for defraying the Union expenses, effective from 1990 in accordance with the provisions of Article 15 of the International Telecommunication Convention.

In making this decision, the Government wishes to declare its intention of further strengthening Korea's relations with the ITU and technical cooperation with all Members of the Union.

Please be assured of our continued cooperation with you in enhancing international relations through the ITU.

Sincerely yours,


Park Sang Deuk
Director-General

Telecommunications Policy Bureau

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 390-E

21 September 1989

Original: French

PLENARY MEETING

MINUTES

OF THE

SEVENTEENTH PLENARY MEETING

Thursday, 22 June 1989, at 1400 hrs

Chairman: Mr. J. GRENIER (France)

Subjects discussed:

Documents

- | | | |
|----|--|---|
| 1. | Adoption of the agenda | PL/17 |
| 2. | Proposals for the work of the Conference | 388, 401 |
| 3. | Election of the Directors of the CCIR
and the CCITT | 3, 5 + Corr.1 + Add.1, 35,
245, 380 |
| 4. | Election of the members of the IFRB | 3, 4 + Corr.1 + Add.1, 2, 3
and 4, 245, 381(Rcv.1) |
| 5. | Proposal by Committee 7 concerning the
election of the Administrative Council | - |

1. Adoption of the agenda (Document PL/17)

1.1 The Chairman proposed that the meeting should take up Document 388 entitled "Contributions to the work of the Conference", which had been signed by 70 delegations (in that connection, he informed delegates that Denmark should be removed from the list of signatory countries), and Document 401 which supplemented it.

1.2 The delegate of India said that Document 388 was of crucial importance and should be considered first.

1.3 The delegates of Ethiopia, Tanzania, Kenya and Indonesia supported the Indian proposal.

It was so decided.

2. Proposals for the work of the Conference (Documents 388 and 401)

2.1 The Chairman said that the United Arab Emirates and the Philippines should be added to the list of authors of Document 388. Document 401 had been submitted by the Federal Republic of Germany, France, Japan and the United Kingdom.

2.2 The delegate of France introduced Document 388 entitled "Elements involved in a global approach to certain important Conference questions", both in his capacity as delegate of the host country anxious for the work of the Conference to proceed smoothly and on behalf of 71 other delegations. The proposed text, which was the outcome of detailed consultations and mutual concessions, consisted of a set of constructive proposals designed to facilitate the work of the Plenary Meeting.

It was clear that the Conference's main concern had been to give technical cooperation its rightful place among the Union's activities and, in his view, that place should be embodied in the Constitution and the Convention. A new permanent organ, the Telecommunications Development Bureau (BDT) was to be set up, with the Centre for Telecommunications Development possibly keeping its autonomy for a two-year period of observation.

He proposed that a general and exhaustive study be conducted on the structure and mode of operation of the Union's various permanent organs and expressed the view that the present Conference should lay down terms of reference for the Group to be in charge of that study. The Administrative Council at its 1991 session would then decide whether the Group's recommendations should be submitted to an additional Plenipotentiary Conference or to the one to be held normally in 1994.

The Bureau would need stable funding; to that end, it was proposed in paragraph 4.2 of Document 388 that 13% of the ordinary budget should be provided for that purpose in 1990, without however exceeding 15 million Swiss francs. After 1990, that share would be increased regularly, reaching 20% of the budget in 1994.

He believed that Documents 388 and 401 taken together would be acceptable to a large number of delegations which were anxious to ensure that the ITU as an organization was geared to the changes taking place in the world of telecommunications.

2.3 The delegates of Bangladesh and Paraguay requested that the names of their countries be added to the list of sponsors of Document 388.

2.4 The delegate of Viet Nam said that the delegate of France and the sponsors of Document 388 were to be commended for producing a compromise from the lengthy discussions which had taken place in the Committees, particularly Committee 7.

He considered that Document 388 should serve as the basis for the decisions to be taken and expressed the hope that it would henceforth be possible, by analogy with the spirit of Melbourne, to refer to the spirit of Nice. He asked for the name of his country to be added to the list of sponsors.

2.5 The delegate of Zimbabwe considered that some clarification was required before a decision could be taken on Document 388. In particular, he asked how the provisions adopted would be embodied in the Constitution and, also, whether it would be necessary to convene an additional Plenipotentiary Conference.

2.6 The delegates of the People's Democratic Republic of Yemen, Oman, Maldives, Colombia and Jamaica supported Document 388 and asked for the names of their countries to be added to the list of sponsors.

2.7 The delegate of Australia, after remarking that his country had always given strong support to the Union and endeavoured to promote its effectiveness, said that much of Document 388 met with his approval. However, he could not accept section 4, which contemplated substantial additional expenditure without suggesting how savings might be made elsewhere. The figures given were not realistic and Document 401 did not go into the matter sufficiently thoroughly. As was done in most other organizations, the right course to follow was first to set a ceiling which matched the level of contributions for the period up to the next Plenipotentiary Conference, and then to decide on priorities. Efforts should also be made to identify sectors in which savings might be made, instead of merely drawing up a list of expenditures.

2.8 The delegate of Indonesia congratulated the sponsors of Document 388 and paid a tribute to Mr. Rodrigue and the French Delegation for their efforts; it was gratifying to note that the document had been signed by more than half the countries attending the Conference. There was nothing in paragraph 2.7 to prevent the Plenipotentiary Conference itself from deciding to convene an additional Conference; the next Plenipotentiary Conference would be extremely important for the Union's future since it would be called upon to take significant decisions and also to elect the Director of the Telecommunications Development Bureau. The proposed budget increase might be unusually high but, in his view, it was justified in view of the position which the Telecommunications Development Bureau would occupy. Accordingly, he supported Document 388.

2.9 The delegate of Japan said that the cost of the decisions taken up to the present time both in the Committees and in the Plenary Meeting was extremely high and could not be met by administrations. A realistic and common-sense approach would therefore have to be adopted. It was with that end in view that the Federal Republic of Germany, France, Japan and the United Kingdom were submitting Document 401 and proposing to set a ceiling of 115 million Swiss francs for the 1990 ordinary budget.

2.10 The delegate of Papua New Guinea considered that Document 388 was a sound basis for reaching a consensus. However, the financial aspects should be scrutinized more closely, since contributions might become too high for certain countries.

2.11 The delegates of Sri Lanka, the Yemen Arab Republic, Egypt, Gabon, Turkey, Bhutan, Suriname and Gambia asked for the names of their countries to be added to the list of sponsors of Document 388.

2.12 The delegate of Malaysia considered that Document 388 was a sound basis for discussion. However, some paragraphs relating to the financial implications of the establishment of the Telecommunications Development Bureau were not entirely satisfactory.

2.13 The delegate of the Netherlands said it was extremely important for the present Conference to adopt the draft Constitution and Convention in order to provide a sound basis for the Union's future work.

His country had always contributed both financially and technically to the ITU's work. While he could accept almost all of Document 388 submitted to the Conference, he considered that the items concerning the budget called for closer study. The growth rate of his country's national budget was 0% and many restrictions had to be imposed; nevertheless, the Netherlands would be willing to increase its contribution to the ITU by 5%.

Turning to paragraph 4.2, which stated that the budget for the Bureau's activities would reach 20% of the ordinary budget without exceeding 22.5 million Swiss francs, he said that his country would welcome some explanation of the precise nature of the Bureau's activities. For the time being, the proposed figures seemed arbitrary and he could not endorse them although he found the suggestions in Document 401 very valuable.

2.14 The delegate of the United Kingdom considered that Document 388 reflected the progress which had been made towards reaching agreement. With regard to Document 401, he acknowledged that the establishment of the Telecommunications Development Bureau as a permanent organ of the Union would be regarded as an extremely important result of the Conference. However, there was no doubt that the Bureau would require a budget, and the fact that Document 388 did not explain how the new organ would be financed caused him some concern.

Accordingly, he proposed that the Conference should consider Documents 388 and 401 together and that a final decision should not be taken at the present stage; Committee 4 should also be asked to give an opinion, after which the matter could be taken up again at a forthcoming Plenary Meeting.

2.15 The delegate of Zambia, speaking as a sponsor of Document 388, considered that it should be possible to find solutions. Document 401 in fact merely supplemented Document 388.

Unless transitional provisions were adopted at the present Conference, the election of the Director of the BDT would not take place until the Plenipotentiary Conference which was scheduled normally for 1994, and the Bureau would not begin to operate until then. Since the principle had been recognized and accepted, transitional provisions ought to be included in the Nice Constitution. The figures quoted in Document 388 were not arbitrary, but the financial implications should be carefully studied in order to reach agreement. In that connection, he drew attention to Document 311(Rev.1) which had not yet been considered.

In conclusion, he expressed the view that the documents in question constituted an excellent basis for reaching a decision.

2.16 The delegate of Romania said that his country could accept Document 388 but would welcome more precise information on the financial implications of the establishment of the Telecommunications Development Bureau. With regard to paragraph 2.3, a decision could be taken immediately on the specific procedures for the tasks required and on the composition of the Group to be responsible for the study. As far as paragraph 2.7 was concerned, it would be desirable to hold consultations so that a decision could be taken immediately on an additional Plenipotentiary Conference. As for paragraph 7, he did not think that it was necessary for transitional provisions to be included in the Constitution; in his view, it would be preferable to add a protocol or adopt a Resolution.

2.17 The delegate of Saudi Arabia observed that Document 388 represented a compromise. Although certain paragraphs caused him some difficulty, the document contained extremely important elements and would, he hoped, be accepted unanimously.

Document 401 added nothing new, for there was general agreement on the need to give detailed consideration to the financial aspects. Accordingly, he was unable to support that document; rather, emphasis should be placed on Document 388 which represented a compromise solution.

2.18 The delegate of New Zealand said that Document 388 was constructive and should enable a solution to be found. He supported the establishment of the Telecommunications Development Bureau and considered that the related financing arrangements should be clearly set out. With regard to the statement in paragraph 4.2 that funding for all the Bureau's activities would represent 13% of the ordinary budget, he asked what would happen to the remaining 87% and requested more detailed information on how the budget was to be broken down.

Committee 4 should perhaps give detailed consideration to those documents in order to reach a compromise, for the figures quoted appeared to be too high.

2.19 The delegate of Niger fully supported the approach proposed in Document 388, which he found satisfactory. Some of the issues taken up in Document 401 were superfluous and his Delegation had reservations in respect of paragraph 6 which suggested that a limit be set.

2.20 The delegate of the USSR proposed that the contents of Documents 388 and 401 should be approved and that Committee 4 should be asked to draw up comprehensive proposals for the budget, on the basis of those two documents and with the assistance of both the Secretary-General and the Secretary-General elect. He hoped that it would soon be possible for the Plenary Meeting to approve all of Committee 4's work by consensus rather than by a vote.

2.21 The Chairman said that 17 delegations had formally asked to be associated with the countries that had submitted Document 388, making a total of 89 delegations which were of the opinion that the document could be used by the Conference as a basis for compromise. Furthermore, no delegation had formally opposed the contents of Document 388. The reservations expressed were confined to budgetary aspects of the matter. He noted further that nothing in Document 401 contradicted the terms of Document 388.

Considerable efforts had been made to produce clear, specific and positive decisions. The aim was to find a solution that was acceptable to all. However, since the starting positions had been diametrically opposed, no agreement reached would be entirely satisfactory for any country.

He therefore suggested that, as of that moment, Document 388 should be considered as constituting a set of guidelines for the further work of the Conference, since that was the view to which a majority of delegations had subscribed. Furthermore, the Secretary-General and the Secretary-General elect should start work on that basis, taking into account the comments made on budgetary aspects during the meetings. At its next meeting, Committee 4 should hold a substantive discussion on the issue, which should be handled consensually. He asked whether the Conference could accept his summing up.

2.22 The Chairman of Committee 4 observed that his Committee which was responsible for setting ceilings and deciding on a budget should first discuss the matter.

2.23 The delegate of Iraq endorsed the Chairman's summing up and agreed that Document 388 could be used as the basic document. With regard to questions of

structure, only the outstanding financial implications remained to be studied in detail, and that was a task for Committee 4.

2.24 The delegate of Zimbabwe, referring to the questions of structure, considered that it was for Committee 4 rather than Committee 7 to study the budgetary implications. Furthermore, the possibility should be left open of changing the structures without having to amend the Constitution. His Delegation too could support Document 388.

2.25 The delegate of Ethiopia said that if Document 388 was to serve as a basis and the budgetary aspects were referred to Committee 4 for consideration, the establishment of a supplementary budget would have to be decided by consensus. Committee 4 would have to find ways and means of taking into account the decisions adopted by the Conference. Unless that was done, his Delegation would be compelled to express reservations.

2.26 The Chairman said that Committee 4, which had to consider the questions as a whole, would have the task of including in the budget the resources required to carry out the activities referred to in paragraph 4.2 of Document 388.

2.27 The delegate of India emphasized that all the terms of Document 388 had been carefully weighed and accepted after lengthy debate. The document struck a fine balance between widely diverging points of view and requirements, and it should not be changed; what it represented was more than mere guidelines.

2.28 The Chairman of Committee 5, referring to Document 388, stressed that Committee 4 would have to confine itself to supplementing the budget estimates in paragraph 4. He supported the Indian delegate's view that no further changes should be made to Document 388.

2.29 The delegate of France said it was important for Document 388 to be considered by Committee 4 from the standpoint of implementation rather than with a view to reopening discussions which had already been very thorough. It should also be noted that the document contained elements which were of interest to Committee 6 and, in that connection, he supported the comments by the delegate of Zimbabwe with regard to the questions of structure. Document 311 concerning the essential duties of the BDT would be most useful in helping to provide a breakdown of responsibilities between the technical cooperation directorate and the BDT.

The question of the entry into force of the provisions would probably have to be taken up by Committee 9. Paragraph 7 of Document 388 referred to transitional provisions which would enable a hiatus to be avoided.

He thanked the delegations which had supported Document 388.

2.30 The delegate of the United States thanked the delegations which had spoken in favour of the organ to be responsible for technical cooperation. His Delegation could accept the working method suggested by the Chairman but reserved the right to revert to the question of ceilings, the budget as a whole and the contributory unit.

2.31 The Chairman of Committee 7 said it was gratifying to note that the Group's efforts to achieve a consensus had been successful and that opinions had converged so closely. The question arose whether the terms of reference of his Committee would be affected in any way by the guidelines set out in Document 388. Furthermore, while a majority of delegations had endorsed the various elements of the document, others still had questions to ask about some parts of the text. He asked whether each element was to be considered separately or whether Document 388 constituted a whole.

2.32 The Chairman replied that the terms of reference of Committee 7 remained unchanged and that the elements of Document 388 did indeed constitute a whole.

3. Election of the Directors of the CCIR and the CCITT (Documents 3, 5 + Corr.1 + Add.1, 35, 245, 380)

3.1 The Chairman requested the Chairman of Committee 4 to explain the status of the two countries which had asked for their right to vote to be restored.

3.2 The Chairman of Committee 4 drew attention to his fifth report to the Plenary Meeting concerning the arrears of Liberia and the Islamic Federal Republic of the Comoros (Document 383) and asked whether the report was acceptable to the Conference.

No objection having been raised, the fifth report of Committee 4 to the Plenary Meeting was approved.

3.3 The Chairman proposed that Liberia's rights should be restored and that that country should be allowed to take part in the vote.

It was so decided.

3.4 The Secretary-General having observed that the Islamic Federal Republic of the Comoros had not acceded to the International Telecommunication Convention, which was an essential prerequisite for obtaining the right to vote, the Chairman said that that country could not take part in the vote.

3.5 At the request of the Chairman, the Executive Secretary explained the voting procedure as described in Document 245 and approved by the Plenary Meeting.

At the request of the Chairman, the Delegations of Mexico, Malta, Kenya, Brunei Darussalam and Czechoslovakia appointed tellers who took their places.

3.6 The Chairman requested delegations to deposit their ballot papers as the Executive Secretary announced the names of their countries.

Election of the Director of the CCIR

3.7 The Chairman announced that 137 valid votes had been cast and that two ballot papers had been left blank. The required majority was therefore 68 votes. The result of the vote was as follows:

Votes cast:	137
For Mr. R. Kirby:	72
For Prof. I. Stojanovic:	63
Abstentions:	2

The Chairman announced that Mr. R. Kirby, having obtained the required majority, was re-elected Director of the CCIR.

(Applause)

Election of the Director of the CCITT

3.8 The Chairman announced that 137 valid votes had been cast and that five ballot papers had been left blank. The required majority was therefore 67. The result of the vote was as follows:

Votes cast:	137
For Mr. T. Irmer:	132
Abstentions:	5

The Chairman announced that Mr. T. Irmer, having obtained the required majority, was re-elected Director of the CCITT.

(Applause)

3.9 Professor Stojanovic congratulated Mr. Kirby and wished him every success in his future activities at the head of the CCIR Secretariat.

3.10 Mr. Kirby made the following statement:

"Mr. Chairman, distinguished Plenipotentiaries, friends,

I want to thank Members of the ITU in this Plenipotentiary Conference sincerely for the honour to my country and to myself for entrusting to me continued responsibility for CCIR work. It has been a privilege and honour to serve ITU's radio responsibilities in the great footsteps of Van der Pol, Metzler, Hays and Herbstreit. The challenge of ITU's future will, I promise, have my best efforts.

Professor Ilja Stojanovic is an outstanding telecommunication scientist and engineer. He has been my good friend long before this election, during, and after. I hope that his valuable service to international telecommunications will continue. My best wishes, Ilja.

I am grateful to many people at this moment, especially to my wife and family for constant support, to the CCIR staff who have strongly supported CCIR and my own work, to many other ITU staff who have assisted CCIR work and encouraged me, to our team of Study Group Chairmen and their administrations which sustain their work, and for the support of my country.

I welcome Mr. Pekka Tarjanne's new leadership role and pledge full cooperation in his great task of renewal of the ITU. I look forward to continuation of the genuine cooperation I have enjoyed with Mr. Jipguep, Mr. Irmer and members of the IFRB. I wish Secretary-General Butler a long and happy retirement.

Thank you very much."

3.11 The delegate of the United States congratulated Mr. Kirby on his re-election, which bore witness to the outstandingly high quality of his work and to his leadership skills. At a time when the CCIR had to face the problems created by the rapid and constant development of technology, the Administration of his country undertook to work together as closely as possible with Mr. Kirby, the heads of the other organs and all the Members of the ITU. He also paid a tribute to Professor Stojanovic, who had made an invaluable contribution to the Union's activities.

3.12 Mr. Irmer made the following statement:

"Mr. Chairman,

Time is precious and therefore, Mr. Chairman, I will be brief. But you may be sure, nevertheless, that these few words come from the bottom of my heart.

First of all, I should like to thank all delegations which have lent me their support; I will do my best when discharging my duties as Director of the CCITT to meet their expectations in response to the confidence they have placed in me.

Mr. Chairman, I started work in the CCITT more than 20 years ago as a delegate; for 12 years I was Chairman of Study Group XVIII, and since 1985 I have been Director of the CCITT. During all these years, I have witnessed a dramatic change in telecommunication technology and services; the world of telecommunications has changed completely and is going to change still further.

This process of change is not static but dynamic; rules and principles which have served us well over decades are disappearing almost overnight; boundaries between technologies are becoming blurred; new players are entering the telecommunication arena, challenging long-standing traditions and the so-called rights of those who have hitherto dominated the telecommunication market-place.

Is an organization like the CCITT with its long and successful history capable of responding to such challenges at a time of such fundamental change? Do we have the strength to rejuvenate and to adapt the CCITT to this new and ever-changing environment?

Mr. Chairman, my reply to such questions and doubts can only be a clear 'yes'. This 'yes' is based on my experience during 20 years; we can master the process of adaptation and reform if we are willing to do so - if there is a will, there will be a way.

The IXth CCITT Plenary Assembly in November last year, to which many delegations have referred during this Conference, proved the CCITT's readiness to face reality as it exists now and will exist in future and to respond accordingly. The spirit of Melbourne was much more than just a slogan: it was a turning point in CCITT history, and it marked a start in a new area fundamentally different from the past.

But, to my mind, it was just a start; we have entered a new road and we shall have to go further along this road. It will not be an easy walk; we shall face problems and obstacles, there will be set backs and road-blocks, but we have no other choice except to move forward. As the helmsman of the CCITT elected by this Conference, I am ready to do what is in my power to pave the way for the CCITT's future progress.

I am sure I can count on the support of our membership in the years to come, and likewise I am relying on my colleagues both in the CCITT Secretariat and in the ITU as a whole. Together we will master the challenge, which is to turn the CCITT into a modern, efficient organization, truly serving our membership both in developed and in developing countries."

3.13 The delegate of the Federal Republic of Germany said he was very happy that Mr. Irmer had been re-elected Director of the CCITT. As he had demonstrated in recent years in the Administrative Council, Mr. Irmer fully understood the economic problems faced by the Union. His contribution to the future studies on the structure of the ITU would certainly be equally valuable. He wished Mr. Irmer good health and every success in his work and assured him of his Administration's constructive cooperation.

3.14 The Secretary-General, speaking on behalf of all his colleagues, extended sincere congratulations to Mr. Kirby and Mr. Irmer for their success in the elections. He emphasized once again the difficulty of the tasks facing the CCIs and the Union as a whole and stressed the importance of reviewing the Union's structures in order to develop more dynamic methods and decision-making procedures. He also wished to pay a tribute to Professor Stojanovic; those who had worked with him at previous conferences and meetings had, together with the Members of the Union and administrations, learned to appreciate his qualities.

3.15 The delegate of Mali congratulated Mr. Kirby and Mr. Irmer for their re-election as Directors of the CCIs. At a time when the Union was encountering great difficulties, it was to be hoped that the two CCIs would continue to benefit from their Directors' wealth of experience in seeking the best possible solutions to the problems faced by the ITU and its permanent organs as well as to the problem of achieving a balance in world telecommunications. He also wished to extend his best wishes and encouragement to Professor Stojanovic.

3.16 The delegate of Saudi Arabia conveyed his sincere congratulations to Mr. Kirby, Mr. Irmer and their respective families, to whom he wished success, happiness and prosperity. He also thanked Professor Stojanovic for the outstanding services he had rendered to the Union and wished him every success in his future career.

3.17 The delegate of Brazil congratulated Mr. Kirby and Mr. Irmer on their election. They were both friends of long standing and men of outstanding skills and they would have an important role to play within the two CCIs in a time of rapid change.

3.18 The delegate of Chile, speaking on behalf of all the members of his Delegation, extended congratulations to Mr. Kirby and Mr. Irmer, both of whom were friends of his and whom he was very happy to see at the head of the two CCIs. As Chairman of the Inter-American Telecommunications Conference, he extended greetings to them on behalf of the region he represented.

3.19 The delegate of Maldives, speaking on behalf of his country and region, as Chairman of the Management Committee of the Asia Pacific Telecommunity, sincerely congratulated Mr. Kirby and Mr. Irmer for their outstanding re-election. It was highly gratifying to know that they would continue their valuable work to promote telecommunications in the region, which would always be able to count on their support. He extended his best wishes to both the elected candidates as well as to their families.

3.20 The Chairman, speaking on behalf of the Conference as a whole, congratulated the two elected candidates and wished them every success. He recalled his many years of cooperation with Mr. Kirby and paid a tribute to Mr. Irmer's outstanding qualities which he had had occasion to appreciate. The law governing elections required a choice to be made between a number of talented people. Although that choice had not fallen upon Professor Stojanovic, he wished to endorse the well-deserved expressions of esteem and consideration addressed to him. He also conveyed his best wishes for success to the newly elected Directors as well as to their organs.

4. Election of the members of the IFRB

4.1 The Chairman requested delegations to deposit their ballot papers as the Executive Secretary announced the names of their countries. The Delegation of the People's Republic of Mozambique was absent from the room.

The votes having been counted, he announced the results:

Number of votes cast: 137

Region A: Invalid votes: 1; For Mr. Brooks: 83; For Mr. Ituassu: 50;
Abstentions: 3.

Region B: Invalid votes: 1; For Mr. Bellchambers: 68; For Mr. Boe: 66;
Abstentions: 2.

Region C: For Mr. Kozlov: 123; Abstentions: 14.

Region D: Invalid votes: 1; For Mr. Harbi: 74; For Mr. Berrada: 33;
For Mr. Yousif: 20; For Mr. Dione: 8; Abstentions: 7.

Region E: Invalid votes: 1; For Mr. Miura: 77; For Mr. Liu: 56; Abstentions: 3.

He announced that Mr. Brooks had been elected for Region A, Mr. Bellchambers for Region B, Mr. Kozlov for Region C, Mr. Harbi for Region D and Mr. Miura for Region E. (Applause) On behalf of the participants, he warmly congratulated those elected.

4.2 Mr. Ituassu congratulated the elected members of the IFRB, particularly Mr. Brooks. He was persuaded that each of them would endeavour to make the ITU even stronger and more sensitive to its Members' requirements.

4.3 Mr. Brooks thanked all those who had given him their support. He congratulated his friends and colleagues who had been elected, as well as all the candidates, particularly Mr. Ituassu. He also extended good wishes to Mr. Butler and Mr. Berrada.

4.4 The delegate of Canada warmly congratulated Mr. Brooks while paying a tribute to Mr. Ituassu's qualities. All the candidates had been people of exceptionally high calibre. He expressed the hope that the Union would continue to benefit from Mr. Berrada's vast knowledge and skills.

4.5 Mr. Bellchambers thanked the Members of the Union for the confidence shown in him and expressed esteem for his friend Mr. Boe. There could be no doubt that a busy period lay ahead of the Union and that the new Board would endeavour to meet the related challenges. He paid a tribute to Mr. Berrada's outstanding skills.

4.6 The delegate of Norway wished to be among the first to congratulate the members of the new Board, particularly Mr. Bellchambers who had been elected for Region B. He wished all the IFRB members good luck and expressed the hope that they would work in the closest spirit of cooperation for the benefit of all.

4.7 Mr. Kozlov thanked delegates for the great honour shown to his country in electing him. He would bring all his efforts to bear on performing the tasks assigned to him and he relied on the other Board members, the Secretariat and the ITU as a whole for assistance. He congratulated all the newly elected IFRB members as well as the Directors of the CCIs. He hoped to have excellent relations with the new Secretary-General, and he wished Mr. Butler a happy retirement.

4.8 The delegate of the United Kingdom congratulated all the members of a strong and dynamic new team. He paid a tribute to all the elected candidates as well as to the less fortunate ones, who had nevertheless received a broad measure of support. Mr. Bellchambers' competence would enable him to contribute to the smooth functioning of the IFRB. He was sure that all the elected officials would be able to establish the cordial relationship which was necessary for the accomplishment of their duties.

4.9 The delegate of the USSR, speaking on behalf of the Telecommunication Administration of his country, thanked the delegations which had voted for his region and congratulated all the elected officials who, he was certain, would be extremely assiduous in the performance of their duties. He wished Mr. Kirby, Mr. Irmer, Mr. Brooks, Mr. Bellchambers, Mr. Harbi and Mr. Miura good health, success and happiness. He thanked Mr. Berrada for the outstanding work he had performed and for his unfailing assistance to the USSR Administration.

4.10 The delegate of Algeria thanked delegations for the confidence shown in his country in electing Mr. Harbi who, he was sure, would devote all his skills and energy to serving the ITU and the IFRB in particular. He paid a tribute to Mr. Berrada for the invaluable services he had rendered, and wished him a long and happy life. He congratulated all the other candidates who had been elected and extended his best wishes to those who had been less fortunate.

4.11 Mr. Berrada said that there inevitably came a time in life when one wondered whether or not to change direction. With the changes that had taken place in the ITU, the moment had probably come for him to leave. He wished the new Board every success in solving the difficult problems which lay ahead. He recalled the long years of experience acquired at the side of Mr. Butler, with whom - as was only natural - he had sometimes been at variance but with whom he had also experienced moments of great satisfaction. (Applause)

4.12 The Chairman said that the applause reflected both the sadness one felt when an important page turned and recognition of the work performed by a person who had given of his best to the international community. He extended his warmest wishes to Mr. Berrada for his future career.

4.13 The Secretary-General congratulated all the newly elected candidates, emphasizing that the delegations taking part in the vote had been particularly privileged with choice. He paid tribute to the retiring members, Mr. Kurihara, and particularly Mr. Berrada with whom he had worked closely for almost 25 years and with whom he had forged links based on mutual respect and admiration. He recalled the endeavours they had both made to enhance the Union's functions and to defend its interests. He hoped to stay in touch with Mr. Berrada despite the long distance which would henceforth separate them.

4.14 The Chairman extended best wishes to Mr. Dione, Mr. Yousif and Mr. Liu who had not been elected on that particular occasion but could look forward to the future with confidence.

4.15 The representative of Japan thanked delegates for the honour shown to him in electing him to the IFRB. He was happy to be involved in the work of that important organ of the ITU. His task would not be an easy one at a time when telecommunication technology and the related regulations were undergoing rapid change. He would do his very best to discharge his responsibilities effectively and cooperate with all the members of the organ.

4.16 The delegate of Yugoslavia (Professor Stojanovic) congratulated the newly elected Board members and expressed the hope that they would be able to carry out all the tasks forseen by the former Group of Experts on the long-term future of the IFRB, of which he had been the Chairman. He extended his best wishes to the less fortunate candidates, namely, Mr. Berrada, Mr. Boe, Mr. Liu and Mr. Ituassu.

4.17 The delegate of the Islamic Republic of Iran joined with those delegates who had already taken the floor to congratulate the new members of the Board, all of whom were fully conscious of the responsibilities which lay ahead and would certainly continue to

perform their duties with the competence and integrity which had always characterized the IFRB. He extended his best wishes to all, particularly Mr. Berrada.

4.18 The delegate of Saudi Arabia congratulated the newly elected Board members. The IFRB, which was one of the Union's main organs, would continue to operate effectively thanks to the solidarity of all its members. He also wished to congratulate Mr. Berrada who had long been, and would continue to be, a friend. He extended his best wishes to Mr. Harbi as well as to the less fortunate candidates.

4.19 The delegate of Mali, speaking on behalf of the African countries, congratulated all the candidates elected to the Board. He paid a tribute to Mr. Berrada, a man of the highest calibre, who was leaving the Board after 22 years of outstandingly skillful and technically competent service. The round of applause for Mr. Berrada bore witness to the significant role he had played within the ITU. The Delegation of Mali undertook to cooperate fully with the newly elected members who, he was sure, could not fail to improve the quality of the work performed by the Union.

4.20 The delegate of Maldives, speaking on behalf of the Asia Pacific Telecommunity, congratulated the five new members on their election. They were all specialists of high repute and their work would promote the balanced and rational development of telecommunications in the world. He paid a special tribute to Mr. Berrada for his 22 years of service in the ITU. The IFRB could count on the support of his region and his country. He wished the new members every success.

4.21 The delegate of Malaysia extended sincere congratulations to the new members of the IFRB. Malaysia had always cooperated actively with the Board and he hoped that that relationship would be maintained, not only with Malaysia but with developing countries throughout the world. The new members had the experience and skills required to perform their duties objectively and independently. His Delegation had full confidence in them and wished them every success in their work.

4.22 The delegate of Japan, speaking on behalf of the Japanese Delegation, thanked all those who had shown confidence in Mr. Miura, whose long experience and considerable skills in the area of frequency management would be of assistance in solving the problems which arose particularly in the field of space communications. He also paid a tribute to Mr. Liu, whose competence and friendship he personally valued, and with whom he hoped to be able to continue to work. He congratulated the five newly elected members of the IFRB as well as the new Directors of the CCIR and the CCITT, Mr. Kirby and Mr. Irmer. He paid a tribute to Mr. Berrada for outstanding services rendered to the organization. Finally, he assured the meeting that Japan would continue to do everything within its power to promote the development of telecommunications in the world.

4.23 The delegate of Chile, speaking on behalf of the Inter-American Telecommunications Conference (CITEL), extended his congratulations to the new members of the IFRB. The Board's work, particularly in the field of technical assistance, would be of great value to the region. He congratulated Mr. Brooks in particular and also expressed esteem for the outstanding skills of Mr. Ituassu, who had been less fortunate in the contest. He joined in the tribute paid to Mr. Berrada for his work in the Union.

4.24 The Chairman wished good luck to the elected candidates, those who were leaving the ITU and those who had not been elected.

5. Proposal by Committee 7 concerning the election of the Administrative Council

5.1 The Chairman of Committee 7 informed the meeting that two decisions had been taken by a vote by Committee 7, namely, to increase the number of members of the Administrative Council from 41 to 43 and of the additional seats to allocate one seat each to Regions D and E. It had been decided that the question of rotation of the members elected to the Administrative Council would be discussed at the same time as the Union's structure and functioning.

5.2 The Chairman indicated that those two proposals would have to be approved by the Plenary Meeting in preparation for the election of the members of the Administrative Council scheduled for the following day.

Those proposals were approved.

5.3 The delegate of Portugal said that his Delegation had withdrawn its candidature for election to the Administrative Council because it wished to await the outcome of the study on the principle of rotation. His Delegation might put forward its candidacy at the next Plenipotentiary Conference.

The meeting rose at 2315 hours.

The Secretary-General:

R.E. BUTLER

The Chairman:

J. GRENIER

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 391-E

22 June 1989

Original: English

COMMITTEE 4

COMMITTEE 10*

NOTE BY THE CHAIRMAN OF COMMITTEE 8
TO THE CHAIRMAN OF COMMITTEE 4

At its 18th meeting, Committee 8 approved amendments to **Article 16 of the Constitution** and **Article 19 of the Convention**, as well as the associated draft **Resolution COM8/3**. Through Doc. 392, these texts have been transmitted to the Editorial Committee.

In response to your Note (Doc. 193), I draw your attention to the financial implications of the above decision of Committee 8 on which 13 Administrations have reserved their position.

Document 392 is also submitted for your consideration and necessary action.

M.F. DANDATO
Chairman of Committee 8

* for information.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 392-E

22 June 1989

Original: English

COMMITTEE 10

COMMITTEE 4

FIFTH SERIES OF TEXTS FROM COMMITTEE 8 TO THE EDITORIAL COMMITTEE

Committee 8 has adopted the attached texts related to Article 16 of **the Constitution** and Article 19 of **the Convention**. It also approved the draft Resolution COM 8/3 associated with the modifications of above Articles.

However, the decision of Committee 8 having financial implications, it has been transmitted to Committee 4 (Doc. 391) for consideration and action in view of the report to the Plenary on the subject.

I wish to draw your attention to the fact that 13 Administrations* have reserved their position on the complete text (Art. 16, Art. 19 and draft Resolution COM8/3) for the following reasons:

- financial implications of the decision;
- request for legal advice on restricting character of draft Res. COM8/3.

M.F. DANDATO
Chairman of Committee 8

* Reservations made by : USA, NZL, G, CAN, HOL, J, AUT, SUI, S, FNL, AUS, F, NOR

Annex

A N N E X

ARTICLE 16
(of the Constitution)

Languages

MOD [119] 124 1.(1) The official and working languages of the Union shall be Arabic, Chinese, English, French, Russian and Spanish.

ADD 124A These languages shall be used for drawing and publishing of documents and texts of the Union, in versions equivalent in form and content, as well as for reciprocal interpretation during conference, assemblies and meetings of the Union.

SUP [120] 125

NOC [121] 126

SUP [122] 127

SUP [123] 128

SUP [124] 129

SUP [125] 130

SUP [126] 131

SUP [127] 132

SUP [128] 133

NOC [129] 134

ARTICLE 19
(of the Convention)

Languages and Right to Vote in Plenary Assemblies

SUP [417] 214

SUP [418] 215

NOC [419] 216

NOC [420] 217

Resolution No. COM8/3

Limitations in usage of working languages

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

having regard

to Article 16 of the Constitution and Article 27 [78] of the Convention,

taking into account

Resolution No. 65 of the International Telecommunication Convention
(Nairobi, 1982).

conscious

a) of the desirability of greater use of the official languages of the Union as working languages so as to enable a larger number of Member countries to participate more actively in the work of the Union;

b) of the technological, administrative, financial and staffing advantages of such greater use,

c) of the need for such use of the official languages in order to permit greater understanding among Member countries and to arrive at full realization of the Union's purposes;

considering

that full scale use of all official languages as working languages of the Union in the present structure of the Union could involve significant resources which can now hardly be provided;

notwithstanding

the provisions of No. [124A] of the Constitution

resolves

1. that the following documents of the Union shall be drawn only in English, French and Spanish:

- all documents of the Plenipotentiary and administrative conferences except their final acts, protocols, resolutions, recommendations and opinions;
- the preparatory documents of the International Consultative Committees' Study Groups, the documents and minutes of their Plenary Assemblies except the texts of the Books of these Committees;
- the proposals and contributions to Conferences, Plenary Assemblies and meetings of the International Consultative Committees communicated to the Members, the originals of which were submitted to these conferences, assemblies and meetings in any of the working languages of the Union;
- all other documents for general distribution prepared by the Secretary-General in the course of his duties, except the Weekly-circulars of the IFRB, Circular-letters of the Secretary-General, Chairman of the IFRB and Directors of the International Consultative Committees, following the agreement of the Secretary-General with the countries or group of countries concerned.

2. that at the meetings of the International Consultative Committees, other than those of the Plenary Assembly and Study Groups included in the programme of work approved by a Plenary Assembly, reciprocal interpretation between English, French and Spanish are provided if those Members requiring interpretation for a particular working language give at least 90 days notice of their participation in these meetings;

3. that the total expenditure incurred shall remain within the financial limits fixed [in Additional Protocol I];

instructs the Secretary-General

1. to organize, after consulting the countries or groups of countries concerned, the preparation of the documents of the Union in Arabic, Chinese and Russian languages as efficiently and economically as possible;

2. to submit a report to the Administrative Council on progress in this field;

instructs the Administrative Council

1. to consider the report prepared by the Secretary-General;

2. to take appropriate action as necessary to ensure general circulation in the official languages of the Union of the documents chosen by the countries or groups of countries concerned within the credit limit fixed by this Conference.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 393-E

22 June 1989

Original: French

COMMITTEES 7, 8, 9

WORKING GROUPS PL-A, B, C

NOTE

FROM THE CHAIRMAN OF COMMITTEE 4

TO THE CHAIRMEN OF COMMITTEES 7, 8 AND 9

AND WORKING GROUPS PL-A, B AND C

If the Finance Committee is to be able to go on with its work of fixing expenditure limits for the period 1990-1995, it is essential that any decision with financial implications should be brought to the attention of Committee 4 as soon as possible.

I should be grateful if you would kindly supply this information by 1700 hours on 23 June 1989.

M. GHAZAL

Chairman of Committee 4

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 394 (Rev.3)-E

24 June 1989

Original: French

PLENARY MEETING

Algeria, Saudi Arabia, Brazil, Cameroon, Canada, Cape Verde,
Central African Republic, Cyprus, Finland, France, Greece,
Guinea, Iran (Islamic Republic of), Lebanon, Mali,
Malta, Morocco, Sweden, Switzerland

DRAFT ALTERNATIVE

RESOLUTION No. COM5/1

Adjustment of Pensions

The Plenipotentiary Conference of the International Telecommunication Union
(Nice, 1989),

recalling

Resolution No. 61 adopted by the Plenipotentiary Conference of Nairobi (1982) in
connection with the adjustment of the level of pensions,

having considered

the reports of the Administrative Council, the Secretary-General and the ITU
Staff Pension Committee,

acknowledging

the concern of the ITU staff about the level of pensions in the present system
and possible subsequent changes to it, as well as the potential effects of future
monetary fluctuations and inflation,

concerned

by the fact that no long-term solution has yet been found which satisfies the
concerns expressed by the staff on this issue,

further concerned

by the fact that the pension benefits of ITU staff retiring in any country of
the world is not guaranteed at the equivalent level prevailing at the base of the
system (New York) and by the resulting uncertainties which weigh heavily on the future
level of pensions and their consequences for the staff in the professional and higher
categories retiring to countries with strong currencies,

noting that

the United Nations General Assembly has commissioned reviews of staff remuneration and conditions of service and pensions and is to take decisions on these matters by the end of 1990,

noting further that

interim measures have been taken within the framework of the United Nations common system to reduce the impact of currency fluctuations and that these measures will come to an end on 31 December 1990 and will not constitute an acquired right,

reaffirming

the strong attachment of ITU Members to the United Nations common system,

strongly urges

the representative of the ITU Staff Pension Committee on the United Nations Joint Staff Pension Board to take all the necessary steps to ensure that the proposal for a Pension Purchasing Power Protection Insurance Plan is fully evaluated as one possible response to the concerns of ITU staff and to insist that an appropriate solution is found to the problem;

urges

all ITU Members to take all the necessary steps to ensure that the concerns of ITU staff are properly understood by Members' representatives dealing with the general policy of remuneration and conditions of service of international civil servants in order that these concerns are taken into account in the decision-making process;

instructs the Administrative Council

1. to follow carefully the evolution of this issue in order to ensure that ITU views are fully and appropriately represented in the common system bodies responsible for pensions matters;

2. to take appropriate action to provide for pension benefits of ITU staff retiring in any country of the world comparable to that prevailing at the base of the system (New York);

3. to envisage the implementation of any scheme protecting the purchasing power of pensions which is found to be compatible with the common system;

instructs the Secretary-General

to transmit the text of this Resolution to the Secretary-General of the United Nations and to the relevant United Nations bodies responsible for staff conditions of service and remuneration including pensions.

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 394(Rev.2)-E

23 June 1989

Original: French

PLENARY MEETING

Algeria, Saudi Arabia, Brazil, Cameroon, Canada, Cape Verde,
Central African Republic, Cyprus, Finland, France,
Greece, Guinea, Iran (Islamic Republic of),
Lebanon, Mali, Malta, Morocco, Switzerland

DRAFT ALTERNATIVE

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PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 394(Rev.1)-E

23 June 1989

Original: French

PLENARY MEETING

Algeria, Saudi Arabia, Brazil, Cameroon, Canada, Cape Verde,
Central African Republic, Cyprus, Finland, France,
Greece, Guinea, Iran (Islamic Republic of),
Lebanon, Mali, Morocco, Switzerland

DRAFT ALTERNATIVE

RESOLUTION No. COM5/1

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PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 394-E

22 June 1989

Original: French

PLENARY MEETING

Saudi Arabia, Brazil, Canada, Cyprus, Finland, France,
Greece, Lebanon, Morocco, Switzerland

DRAFT ALTERNATIVE

RESOLUTION No. COM5/1

Adjustment of Pensions

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PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 395-E

29 June 1989

Original: French

COMMITTEE 4

SUMMARY RECORD

OF THE

NINTH MEETING OF COMMITTEE 4

(FINANCES OF THE UNION)

Thursday, 22 June 1989, at 0910 hrs

Chairman: Mr. GHAZAL (Lebanon)

Subject discussed:

Documents

1. Limits on Union expenditure for the period
1990 to 1994

DT/6, DT/58*

*Reference documents
Committee 5

29, 87, 275, 288,
315, 346, 347

Committee 6

33, DT/30 (Rev.1)

Committee 7

310

1. Limits on Union expenditure for the period 1990 to 1994 (Documents DT/6, DT/58)

1.1 Referring to Document DT/6, the Chairman said that the budget for 1990, at 1 April 1989, showed a total of 92,452,000 Swiss francs for sections 1-8 and 0.

1.2 The delegate of France said a breakdown was still required for the 3,115,000 Swiss francs of supplementary income for the final 1990 budget. The figures for the technical cooperation special account would also need to be reviewed.

1.3 The Secretary explained that Document DT/58 summarized decisions taken by Conference Committees and contained certain elements to be taken into account for the establishment of ceilings. The indications concerning the cost of conferences and meetings were based for the time being on Document 105(Rev.1) and would be adjusted in due course. No decision regarding the Union's computer was mentioned in Document DT/58.

In reply to the Chairman, the Secretary said that the credit of 765,000 Swiss francs for the contribution to the technical cooperation programme (A.1 on page 2 of Document DT/58) should be cancelled for the years 1991 to 1994 as a result of the decision by Committee 6.

1.4 The Chairman said that Committees 5 and 6 had provided full reports on their work. He therefore proposed that Committee 4 should consider the figures in Document DT/58 item by item. The Committees' proposals had to be converted into figures and conclusions had to be drawn in the light of the indications provided by the Chairmen of Committees 5 and 6.

1.5 The delegate of the United States objected to the systematic approach proposed by the Chairman. He thought it essential to start from a budget ceiling and decide the limits within which the Committee could take decisions and establish an order of priorities.

1.6 The delegate of the Netherlands agreed with the delegate of the United States. While it was perfectly possible to produce figures for all the activities proposed by the Committees, there was no point in doing so in view of the budgetary constraints. A ceiling should be established first, for the sake of efficient procedure. He was supported by the delegates of Switzerland and Australia.

1.7 The delegate of the United Kingdom fully supported the delegates of the United States and the Netherlands. As things stood, various pieces of information were still lacking. It would therefore be necessary to go through Document DT/58 item by item when that information was available, which was no way to work.

1.8 The Chairman of Committee 6 said that some idea of the overall budgetary limits should be arrived at before any order of priority could be worked out for activities. A committee's priorities would depend on the budget allowed, if it turned out to be smaller than the amount requested.

1.9 The Chairman of Committee 5 said that Committee 4 should proceed by stages. Any budgetary ceiling would need to be reviewed when a revised version of Document DT/58 was published with further financial implications. It was difficult to establish an order of priorities unless it corresponded to objective requirements for the development of the Union.

1.10 The Secretary-General said that under item B.5 d) in Document DT/58, future evolution should not be 1% but 0.5%, that up to 1995 the general total should be of the order of 700 million Swiss francs, and that the next Plenipotentiary Conference would be held in 1995 and not in 1994.

1.11 The Secretary of the Committee, in reply to a query by the Chairman as to whether the figure of 0.5% for future evolution meant a 50% reduction in the relevant section, said that a reduction of that order could indeed be envisaged.

1.12 The Chairman of Committee 5 said no figure had been fixed by his Committee, it had merely submitted a suggestion to Committee 4, with which the decision rested.

1.13 The Chairman said that the figure under item B.5 d) would be revised and halved for both categories of staff. He asked the Secretary of the Committee to draw up a revised version of Document DT/58.

1.14 The Secretary-General said that Committees took decisions with financial implications, e.g. on the possibility of countries organizing radio conferences. The programmes included two conferences instead of one, which substantially increased potential expenditure. The duration of the conferences, moreover, now six to eight weeks, was extended to 10 weeks. Similarly, the use of software was very expensive. All the services required had to be paid for, and it was not the Secretariat which set up the services but Members which requested them.

1.15 The Chairman of Committee 5 pointed out that it was ceilings that were to be set rather than absolute figures. If a ceiling expenditure was established, it simply meant that the figure indicated could not be exceeded. If the resources required meant a need for staff which could not be met owing to an excessively low ceiling, the Committee would not have done the Union much good. It was better to allow a safety margin than to proceed with figures which were visibly too low. The figure of 1%, which appeared from Document 87 to constitute an acceptable ceiling, seemed likely to meet requirements, and, in any case, the Administrative Council would decide on the exact amounts, which could on no account exceed the established ceiling.

1.16 The Chairman said it looked as if the Committee had to choose between two alternatives, 0.5% and 1%. It would have to arrive at a consensus on that point, particularly since the Chairman of the Conference and various Committee Chairmen were preparing a document that would have to reflect that consensus. He proposed that the Committee should start the debate on the decisions of Committee 7 while waiting to learn the results of the work of the Committees and Working Groups. He had in mind, for example, Committee 8's decision on working languages and the report on meetings.

1.17 The Secretary-General explained that the six official languages would be working languages, but that for certain activities only three working languages would be used. That was an extension of Resolution No. 65 of the Nairobi Conference, but would mean an increase of 6 to 8 million Swiss francs per year. For the time being, the question was still being debated by Committee 8, and Working Group PL-B had not yet finished its work. He suggested that the Committee should postpone its debate until the different Committees had transmitted to it all the results of their discussions.

1.18 The Chairman considered that if delegates did not want to resume the discussion on the decisions of Committee 5, it would be better if they suspended their work until they had all the documents on the results of the different Committees' work.

1.19 The Chairman of Committee 5 pointed out that Document 347 on human resources development referred to a draft Resolution calling for a study on a particular subject. The draft Resolution had been drawn up by a Working Group and approved at the last meeting of Committee 5. The text would have to be adopted by the Plenary Meeting. It had financial implications, which would have to be mentioned in Document DT/58(Rev.). It would mean an expenditure of 150,000 Swiss francs a year for two years.

- 1.20 The Chairman asked delegates if they preferred to suspend their work or to resume discussion on the decisions of Committee 5 before possibly going on to those of Committee 6.
- 1.21 After statements by the delegate of the Netherlands and then by the delegates of the United Kingdom, Burkina Faso and France, advocating a suspension of the Committee's work, the delegate of Australia said that the totals given in Document DT/58 would help the Committee to fix a realistic ceiling. He was in favour of going on with the Committee's work. The delegate of the German Democratic Republic agreed.
- 1.22 The Chairman considered that the Committee could scarcely fix a ceiling before it knew the figures produced by the different Committees and Working Groups.
- 1.23 The delegate of Japan thought that the Committee could hardly go on with its discussion on those questions without knowing the result of the work of other committees. He would be in favour of suspending the debate, as other delegations had suggested. For the purposes of the discussion it was necessary to have a detailed overall view of the budget figures. In order to fix reasonable ceilings, the Committee needed to know the figures set by other groups. It had considered Committee 5's decisions and proposals, in particular B.5 d), on the basis of explanations given by the Chairman of that Committee. The figure for future evolution of the staff was not a decision but a suggestion. The suggestion was 0.5% and not 1%. He wondered why the figure of 1% appeared in the document.
- 1.24 The Chairman asked whether Committee 4 should continue its consideration of those questions or postpone it until it knew the results of the work of the other Committees and Working Groups.
- 1.25 The delegate of Japan said he would like Document DT/58 to be corrected by the Secretariat. He was in favour of adjourning the discussion.
- 1.26 The delegate of Thailand was also in favour of suspending the debate. He would like the Chairman to press the other committees once more, and still harder, to transmit the information in good time, e.g. by the following noon. The discussion could then be resumed on the basis of the figures and other information provided.
- 1.27 The Chairman replied that a letter would in fact be sent to all Committees and Working Groups, asking them to provide the information the Committee needed.
- 1.28 The delegate of Romania expressed the same fears as the French Delegation concerning the decisions to be taken by the Committee. He thought the Australian Delegation had made a pertinent proposal concerning an exchange of views on the ceilings to be set for future years. The discussion on the subject would be based on a revised version of Document DT/58. He also proposed that paragraph 2 of Additional Protocol I to the Nairobi Convention should be taken into consideration.
- 1.29 The delegates of Mali, Colombia and Saudi Arabia were in favour of suspending the meeting.
- 1.30 The Chairman proposed that the Committee should suspend its work pending receipt of the necessary information from the other Committees.

It was so decided.

1.31 The delegate of Australia, speaking on a point of order, said that the Committee already had enough information on the proposals for additional expenditure in Document DT/58, together with the explanations given by the Secretary-General, to determine roughly the ceilings that would have to be envisaged. The document indicated an increase of 20% over the estimated level of contributions for 1989. That increase was too high for his Delegation to accept. The Union ought, like other organizations and national administrations, to fix general figures first. It could not go on basing itself on lists of desiderata which had little relation to Members' capacity or willingness to contribute. Any proposal that would go beyond the limit would have to be offset by economies.

1.32 The Chairman said he had taken due note of that statement.

The meeting rose at 1110 hrs.

The Secretary:

R. PRELAZ

The Chairman:

M. GHAZAL

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to
Document 396-E
29 June 1989
Original: English

SUMMARY RECORD

OF THE

TWENTY-SECOND MEETING OF COMMITTEE 7

1. Amend paragraph 1.4 as follows, to read:

"1.4 The delegate of the Federal Republic of Germany said that his Delegation, too, would have a number of observations to submit in respect of Committee 7's summary records. He reserved for his Delegation the right to make reservations concerning each of the summary records of Committee 7".

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 396-E
27 June 1989
Original: English

COMMITTEE 7

SUMMARY RECORD

OF THE

TWENTY-SECOND MEETING OF COMMITTEE 7

(STRUCTURE OF THE UNION)

Wednesday, 21 June 1989, at 1915 hrs

Chairman: Mr. A. VARGAS ARAYA (Costa Rica)

Subjects discussed:

Documents

- | | | |
|-----|--|--|
| 1. | Summary records of meetings of Committee 7 | 196, 204, 214, 215, 227,
241, 252, 269, 307 |
| 2. | Report by the Chairman of Drafting Group 7 ad hoc 2 | |
| 3. | International Frequency Registration Board | |
| 3.1 | Limit on re-election eligibility of IFRB members
(continued) | DL/22 |
| 3.2 | Proposed transfer of certain powers from the
Radio Regulations to the Convention (continued) | 72, DT/55 |
| 3.3 | Establishment of Drafting Group 7 ad hoc 3
Terms of reference related to IFRB provisions
other than those related to structure of current
election of officials | DT/17, DL/22,
DL/24 |
| 4. | Election to the Administrative Council | 19(Rev.1), 126,
132, 144,
DL/36, DL/44 |

1. Summary records of meetings of Committee 7
(Documents 196, 204, 214, 215, 227, 241, 252, 269, 307)

1.1 The delegate of the United Kingdom made the following statement:

"Mr. Chairman, I refer to paragraph 586 of the Convention. In pursuance of that paragraph I request that my statement in relation to agenda item 2, Approval of summary records, be reported in full in the record of this meeting.

Along with a number of other delegations the United Kingdom has been concerned about the absence for such a long period of the summary records of our meetings in Committee 7. In the view of my Delegation this has severely handicapped the work of this Committee and contributed to a distorted impression of the emerging conclusions.

Now that the records are beginning to appear, fast and furiously, with too little time for them to be considered fully by all delegations, I wish, Mr. Chairman, to express a general reservation on the part of the United Kingdom Delegation to the effect that they do not represent an adequate record of our discussions.

I take, by way of example, Document 227, the summary record of the ninth meeting of Committee 7, I refer in particular to pages 4 to 6 of that document. Paragraph 1.32 records the Chairman of Committee 7 as having invited the Committee to take a decision of principle to set up a permanent organ for telecommunications development, etc. My own personal notes then clearly record a show of cards with the outcome that 73 were in favour, none were against and 30 abstained. There was considerable concern at the time, Mr. Chairman, about the status of that vote, but I find it astonishing that there is no record of it in the minutes; this, despite the fact that many speakers in the resumed session at 2050 hours that day, and subsequently, have referred to it.

Mr. Chairman, in the light of this serious omission, I am sure all delegations will wish to reflect on the accuracy of the minutes before they are approved. I suggest that none of the records of this Committee be approved until delegations have had further time to consider them.

Mr. Chairman, I must stress that the foregoing criticism in no way reflects on the minute writers whose excellent performance in many ITU conferences over many years has been noted by successive United Kingdom Delegations. In accordance with paragraph 586 of the Convention I will provide a copy of these comments to the secretariat so that they may be incorporated in full in the minutes."

1.2 The Chairman said that he fully shared the concern voiced by the delegate of the United Kingdom. Indeed, he had already suggested that approval of the summary records should be deferred, and had requested delegations to look through their copies carefully and submit any amendments to the Committee Secretariat in writing. With regard to the summary record of Committee 7's ninth meeting (Document 227), and in particular to the conclusion referred to by the delegates of the United Kingdom, the Chairman had noted the omission and had immediately requested the secretariat to ascertain how it had come about that the reference to the decision adopted had been deleted. He assured the meeting that when, as Chairman, he had signed the record, the decision in question had appeared, and he had been greatly surprised to find that portions of vital importance had been deleted from the reproduced document bearing the number 227. An investigation by the secretariat had been initiated at his request, and he hoped that a satisfactory explanation and a corresponding correction could be presented by the Secretary-General to the Committee at the opening of its next meeting.

1.3 The delegate of Papua New Guinea, speaking also on behalf of the Administration of Fiji, agreed that it was unacceptable to delay the reproduction of summary records for so long and to issue so many all at once.

1.4 The delegate of the Federal Republic of Germany said that his Delegation, too, would have a number of observations to submit in respect of Committee 7's summary records.

2. Report by the Chairman of Drafting Group 7 ad hoc 2

2.1 The delegate of the Federal Republic of Germany said that the Drafting Group hoped to complete its work by the evening of the next day, at which time the text of a draft Resolution would be available for Committee 7's consideration.

3. International Frequency Registration Board

3.1 Limit on re-election eligibility of IFRB members (continued) (Document DL/22)

3.1.1 The Chairman said that, at the previous meeting, he had invited the submission of a consolidated text in respect of proposals relating to Article 10 of the Constitution. In the absence of any response, he took it that the Committee agreed to accept the consolidated text relating to Article 10 in Document DL/22, to retain in paragraph 2 (No. 74), the phrase "and they shall be eligible for re-election once only", currently in square brackets marked by footnote 7, and to remove the square brackets, and to delete all the text and square brackets relating to footnotes 6, 8 and 9.

It was so decided.

3.1.2 Following requests for clarification by the delegates of Brazil, the Federal Republic of Germany and New Zealand, the Chairman said that Committee 7 had decided that members of the IFRB should be limited to two terms of office, in the same way as the Secretary-General, Deputy Secretary-General and Directors of the CCIs.

3.1.3 The delegate of New Zealand said he could not accept that such a step had been taken by the Committee until the latter had before it the final text in the form of a Conference document. His Delegation was perplexed and disquieted by the Committee's methods of work.

3.1.4 The delegate of Indonesia said that his Delegation, on the contrary, was perplexed by the apparent reluctance, on the part of one side of the Committee, to promote progress in the Committee's work. The delegate of Algeria agreed with the previous speaker, and expressed his full support for the Chairman in his efforts to combine fairness with progress. The delegates of India, Senegal, Tanzania, Lebanon and Mali endorsed those remarks.

3.1.5 The delegate of Papua New Guinea said that his Delegation agreed with the delegate of New Zealand about the procedure in Committee 7. In that connection, it was uncalled for to speak as if the Union's membership was divided into sides.

3.2 Proposed transfer of certain provisions from the Radio Regulations to the Convention (continued) (Documents 72, DT/55)

3.2.1 The delegate of Canada proposed that his Administration's proposals CAN/72/8-27 should be included in those listed in Document DT/55.

3.2.2 The delegate of Hungary supported that proposal.

3.2.3 The delegate of Indonesia said that the Committee had already taken a decision, at its previous meeting, in regard to the contents of Document DT/55.

3.2.4 The delegate of Tanzania said that, for the reason expressed by the previous speaker, he would be grateful if the Canadian Delegation did not press for consideration of its proposals.

3.2.5 The delegate of Canada said that there were a number of proposals already contained in Document DT/55, which his Delegation would have liked the Committee to discuss. The proposals already listed in Document DT/55, intended for referral to the review of the structure and functioning of the ITU and the subsequent Plenipotentiary Conference. In order to save time he did not press for discussion of proposals CAN/72/8-27, but his Delegation would like them to be included in Document DT/55.

3.2.6 The delegate of the United Kingdom said that, although his Delegation was not immediately sympathetic to the proposals put forward by the Canadian Delegation, the latter had the right to have them dealt with in the manner suggested.

3.2.7 The Chairman said that, if there was no objection, he would take it that the Canadian proposals CAN/72/8-27 would not be discussed but would be added to the list in Document DT/55.

It was so agreed.

3.3 Establishment of Drafting Group 7 ad hoc 3 - Terms of reference related to IFRB provisions other than those related to structure or current election of officials (Documents DT/17, DL/22, DL/24)

3.3.1 The Chairman proposed that the Committee should establish a Drafting Group 7 ad hoc 3, to be convened by Mr. Roestam of Indonesia, in order to produce a draft text of the relevant terms of reference for Committee 7's consideration. Delegations wishing to participate were invited to inform the Secretariat no later the morning of 22 June.

It was so decided.

4. Election to the Administrative Council (Documents 19(Rev.1), 126, 132, 144, DL/36, DL/44)

4.1 The delegate of Morocco said that his Administration's proposals MRC/126/2 and MRC/126/11 should be deleted from item 7 of the summary contained in Document DL/36, but could possibly be included in item 1. His Administration's view was that the number of members should not be mentioned in the Constitution, which should be a firm legal instrument as far as possible, but should rather be specified in the Convention.

4.2 The delegate of Mali said that the Administrative Council membership should be amended with a view to more equitable geographical representation. Region D's membership should be increased from 11 to 13, and Region E's from 12 to 13.

4.3 The delegate of Lebanon agreed with the previous speaker but said that his Administration could agree to a membership of 12 for Region D and 12 for Region E.

4.4 The delegate of Chile introduced Document 19(Rev.1), relating to the election of Members of the Administrative Council, and briefly summarized its contents concerning to the purpose, background and essential characteristics of the proposed procedure as well as the proposals themselves. In submitting the document, Chile was merely seeking to help solve a problem faced at all previous Plenipotentiary Conferences and giving rise to disputes between Members legitimately wishing to remain on the Council, availing themselves of the right to re-election, and those wishing, equally legitimately, to play a role in the Council's duties. His Administration was aware that its proposals could perhaps be improved upon in order to achieve the desired aim; the important need was to provide a satisfactory degree of rotation without undermining the organic stability which that organ of the Union required.

4.5 The Chairman said that, following introductions and observations by the members of the Committee, he would invite the latter to take three main decisions: firstly on the number of Members of the Administrative Council; secondly on the regional distribution of the membership; and thirdly on the principle of rotation. He hoped that the Committee could conclude that task by the end of the current meeting.

4.6 The delegate of Portugal introduced the proposal contained in Document 114 on the rotation of Members elected to the Administrative Council, as well as its basic structure. The ITU was fundamental to the success of the development of world-wide telecommunications. Consequently, it was indispensable to encourage the active participation of all the Members of the Union in fulfilling the objectives of the Union. The Administrative Council, ITU's most important management organ, gave form to the decisions of the Plenipotentiary Conference, defined technical assistance policies, assured the coordination of the Union's activities and encouraged international cooperation. However, practice had shown that the current mechanisms in the Convention were not sufficient to satisfy the need for more active participation of the Members. Document DL/44 showed that over the last 25 years there was approximately 80% of permanency, no doubt performing well, but which do not give others the chance to participate. If institutions were to be creative and dynamic they had to renew themselves or they risked perpetuating the installed culture, which of course had to be maintained in its fundamental aspects, but which also had to evolve through new inputs that the various countries could offer. It was necessary to avoid inertia in the system by creating conditions for full participation, while at the same time avoiding any rupture. The proposal differentiated between a part of Council that would remain fixed and another for which the principle of rotation would be applied, giving preference to countries not yet having had a seat. Although it was difficult to apply criteria for determining the fixed part, either by the greatest number of votes or the largest contribution, the latter had been proposed for practical reasons. Nine per cent of the Members paid 73% of the budget and it was therefore legitimate and desirable that the largest contributors be able to intervene in the management process. That approach was perhaps politically sensitive but was justified by the figures. Over the last 30 years all the large contributors had been Members of the Council so that fact should be recognized. It was also important to have a system that allowed effective participation of all the other Members. The proposal was based on the principles of geographical distribution, renewal in a climate of stability, and the realistic acceptance of the financial situation. Rotation was proposed for 60% of the Members while the designated Members were to constitute 40%. The present system with its possibility of unlimited re-election hindered a more active participation of all the Members of the Union, and a new system guaranteeing stability and the effective participation of all the Members was necessary. The new system had to be integrated into the Constitution and, if possible, applied to the elections to take place at the present Conference, and consequently he was not in favour of postponing a decision on the matter.

4.7 The delegate of Côte d'Ivoire referred to proposal 12 in Document 132, which had been based on No. 157 of the Convention. The current 41 seats for 166 Members constituted approximately 25%. The appropriate number of seats per region could be obtained by multiplying the number of Members in a region by 25% thus giving for Region A with 32 Members eight seats as currently, for Region B with 25 Members, six seats as opposed to seven currently, for region C with 12 Members, three seats as opposed to four currently, for Region D with 51 Members 13 seats as opposed to 11 currently and for Region E with 46 Members 12 seats as opposed to 11 currently. That showed that Regions D and E were under-represented and only Region A had been represented correctly. Proposal CTI/132/12 aimed at correcting the imbalance by keeping Regions B and C as they were, increasing the number of seats in Region D from 11 to 13 and those in Region E from 11 to 12, thus giving a total of 44 seats. The Legal Adviser might indicate whether the Administrative Council was able to have an even number of seats, as an uneven number might facilitate decision-taking. In such a case, an additional seat could be allotted to Region A thus bringing the total to 45 seats. The proposal therefore was to state in the Constitution that the Administrative Council was to comprise of 25% of the Members elected by the Plenipotentiary Conference taking account of equitable geographical distribution within each region. Such geographical distribution would be achieved by multiplying the Members of a given region by 25% and the principle should be included in the Constitution. Since the number of Members could vary from one Plenipotentiary Conference to another, the number of seats calculated on that basis should appear in the Convention.

4.8 The delegate of Nigeria, introducing proposals Nos. 3 and 19 in Document 74, recognized that in 1979 the Union had 154 Members and the Administrative Council 36, elected by the Plenipotentiary Conference in accordance with a deliberate policy for equitable representation of all parts of the world. However, in Nairobi in 1982, the Administrative Council was increased from 36 to 41 seats at a time when the Union had 158 Members. To date there were 166 Members and the need was foreseen for an equitable basis for determining the number of Members of the Administrative Council and thus 25% of the total of Members rounded up to the nearest highest integer was proposed as a determinant base. He referred to the speech by the Nigerian Minister during the opening sessions of the Conference, who had spoken of applying 25% on a regional basis which increased the figures for Regions D and E by two and one, respectively. The principle should be in the Constitution as presented in proposal NIG/74/3 while the actual figure should appear in the Convention as indicated in proposal NIG/74/19. It of course presupposed that the proposal for a Constitution or a Convention was accepted.

4.9 The delegation of Guinea, introducing proposal No. 1 in Document 145, said that to permit the greatest number of countries to have access to the Council it was desirable for the Plenipotentiary Conference to improve the procedure for electing Members to the Administrative Council so that an appropriate level of rotation and equitable distribution of seats among the regions could be guaranteed without, however, increasing the number of Members. The current distribution was not equitable since Regions D and E had the largest populations and areas in the world. He proposed maintaining the total number of Members at 41 and increasing the number of seats in Regions D and E to 13 and 12, respectively: of the 41 Members, 19 would not be subject to rotation and 22 Members would be subject to rotation in the period between two Plenipotentiary Conferences. A Member elected with the requisite number of votes would not be subject to rotation and rotation would be in alphabetical order. That procedure would offer more advantages than the present one and if it was intended to set up a Drafting Group he preferred transmitting the rest of his intervention directly to that group.

4.10 The Chairman said that there had been a number of interventions some of which had dealt specifically with the principle of rotation. He urged delegations in their interventions to help formulate the decision that was to be transmitted to the Plenary the following day on the number of Members to be elected to the Administrative Council. Of all the documents and proposals some tended towards 25% of the Members of the Union, i.e. 41 Members. The option furthest removed from the present situation was to increase the number to 45, increasing the seats for Regions A, D and E. He invited delegations to express their preference.

4.11 The delegate of Thailand, introducing Document 7, said his proposal to Article 8 of the draft Constitution and Article 3 of the draft Convention was aimed at fair and equitable distribution of seats on the Council among all regions of the world. The Union's membership had increased to 166 since the last Plenipotentiary Conference in 1982 and most of the new Members were in Regions D and E. In view of that increase, the total seats on the Council for Regions D and E should be increased to 13 and 12, respectively. The proposed increase was recommended because Regions D and E consisted of 51 and 46 countries respectively, with a total population of 3,556 million which represented two-thirds of the world's population. Furthermore, Regions D and E covered the largest geographical area of the world and were composed of countries with varying degrees of development ranging from the least developed to well-developed. All those countries had different interests in the Union and therefore it was necessary for their regions to have a proper representation in the global organization enabling the Union to comprehend the total range of the various interests. Finally, to promote comprehensive international cooperation for the provision of technical assistance to the developing countries, especially among Members of the Union in regions D and E, Administrative Council representation for those regions had to be increased. An increase of three more Members in the Council would not entail an unbearable financial impact on ITU nor would it affect the efficiency of the work of the Administrative Council, and he therefore proposed increasing the number of Council's Members for Regions D and E.

4.12 The delegate of the Islamic Republic of Iran, recalling that since the last Plenipotentiary Conference in Nairobi, six countries had been added in Region E, said that action should be taken to reflect that fact in the number of seats on the Administrative Council. In addition he wished to emphasize that Region E represented 60% of world population, and a very large area and should be appropriately represented on the Administrative Council. He supported the addition of two more seats for that region and said a similar argument could be given for Region D, thus supporting the delegate of Thailand with respect to the number for that region, and strongly supporting proposals to add two seats to Region D and two to Region E.

4.13 The delegate of Paraguay, referring to Document 95, said that the proposal therein was to Article 8 of the Constitution. There was difficulty in having in the Constitution, where nothing should vary, a specific figure which could be changed at a subsequent plenipotentiary conference. He did not disagree with an increase in the number of seats at the Administrative Council. Since the number of Members of the Administrative Council could be subject to modification in time, reference was made in Article 3 of the Convention to a specific percentage, 25%, although he did not insist on that figure. Adding his comments on rotation, he could support the proposal by the delegate of Chile in Document 19, but recognizing that the proposal was somewhat complex and that at the stage of the work an analysis would be difficult, he proposed that the principle contained in that proposal be accepted to the effect that a mechanism for rotation should exist in the composition of the Administrative Council. However, the features of the procedures to be adopted should be elaborated by the Group of Experts that would be carrying out the global review of the structure and functioning of the Union.

4.14 The Chairman was of the opinion that the issue of insertion in the Constitution or in the Convention should be referred to Committee 9, but the number of seats was to be decided in Committee 7. Some proposals were in favour of the present situation of 41 Members and 25% and one proposal, which had been supported and which was furthest removed from the present situation, was for 44 seats. There had been proposals in favour of 45 but no support had been registered. A decision was therefore to be taken between 41 and 44.

4.15 The delegate of Lesotho supported the number being expressed as a percentage and preferred 25% rounded up, as proposed by the delegate of Nigeria in NIG/74/3. The principle of rotation was to be clearly spelled out and Members were to be eligible for re-election once only, so as not to have one permanent Member of the Administrative Council. It would then not be necessary to have a complicated mechanism such as that proposed by the delegate of Chile.

4.16 The delegate of Nepal supported the proposal by the delegate of Thailand for an additional two Members in Region D and one in Region E, making a total of 44.

4.17 The delegate of Brazil did not object to 44, but recalled the reasons given by one delegate in favour of an odd number in the Administrative Council. Consequently, he supported 45 with an addition of one seat in Region A, two in Region D and one in Region E.

4.18 The delegate of the USSR recalled that there had been a number of proposals advocating 41 seats.

4.19 The delegate of the Netherlands, objecting to 45, said it was difficult to calculate exactly the appropriate number. There had to be a balance between the participation of a representative number of Members and the managerial tasks of the body that required that it not be too large. Although in other UN bodies the corresponding organ was smaller than at ITU, 41 was as adequate a number as any. He reserved his right to come back on the matter of rotation.

4.20 The delegate of Pakistan, referring to Document DL/44, said that since the percentage of Members on the Administrative Council for the last two years had been 26%, that percentage could be used thus arriving at 45, as proposed by the delegate of Brazil.

4.21 The delegate of the United Kingdom said that the larger the Administrative Council, the more difficult it would be to be effective in the time scales available for administrative decisions. He preferred the number to remain at the present 41, but would be content to see that number expressed as a percentage in the Constitution and would make that clear in Committee 9, which was the appropriate place.

4.22 The Chairman observed that there were now two opinions in favour of and two against the figure of 45.

4.23 The delegate of Belgium was in favour of the status quo since he was not convinced that any change would improve the effective management of the Union. He supported the principle of rotation as described by the delegate of Portugal.

4.24 The delegate of Peru agreed with the delegate of Brazil in respect of an increase in Region A, bringing the total to 45. It had been seen that the number of Members had been increasing gradually and therefore the appropriate percentage for 45 Members out of 166 would be 27%.

- 4.25 The Chairman proposed sounding the feeling of the meeting by a show of cards.
- 4.26 The delegate of the USSR, on a point of order concerning the proposed procedure suggested that a solution be found prior to a vote, since there had not been sufficient discussion of the item under review.
- 4.27 The delegate of Cameroon, on a further point of order, requested the Chairman to bear in mind that 25% gave a figure of 42 not 41.
- 4.28 The delegate of the United States advocated that no more than 25% of the Union membership sit on the Administrative Council, which would come to 41 or 42 rounded up. His Delegation's view was that 41 was adequate as it provided a representative number of administrations to run the Union between plenipotentiary conferences. As pointed out by others, a larger number did not provide the framework for effective decisions. The percentage approach provided stability over time with regard to growth of the Union and increases in size of the Administrative Council. 25% seemed reasonable and he commended the delegate of Paraguay for his observation, proposing that the way forward was to start with 41, maintain the percentage, possibly 25%, and in time bring the Council up to 25% with the addition of new Members, through which all regions would eventually have 25% representation.
- 4.29 The delegate of Spain thought that 25% was reasonable and corresponded to 42, which by adding only one seat would cause no upheaval in the efficiency of the work. The Council had been increasing in numbers but the number of meeting days had been decreasing and the increase in the number of Members had not hampered the proceedings. The increase of one Member could supplement regions with the poorest representation until a complete study, broader in scope than numbers, had been carried out, as suggested by the delegate of Paraguay.
- 4.30 The Chairman, taking account of a comment by the delegate of Lebanon in respect of a supported proposal for 26% and 43 seats, said there were five options to choose from: 45, 44, 43, 42 and 41 and suggested taking first the number furthest removed.
- 4.31 The delegate of the USSR, on a point of order, requested clarification on whether a show of hands or a vote was intended, upon which he proposed a normal vote.
- 4.32 The Chairman, in response to the delegate of Australia, confirmed that a total of 44 would correspond to an addition of two seats for each of Regions D and E. He added that a total of 45 would mean one additional seat for Region A, two for Region D and one for Region E; for 42 and 43, a decision would have to be taken on where the additional seats were to go.
- 4.33 The delegate of Indonesia urged caution in respect of the figure of 45 since the delegate of the Islamic Republic of Iran had proposed two additional seats each for Regions D and E while the delegate of Brazil had proposed two additional seats for Region D, one for Region E and one for Region A.
- 4.34 The Chairman proposed first to decide on the number of seats, then the required distribution and finally the principle of rotation. He called for a formal vote by a show of cards on the situation furthest removed, namely the election of 45 Members to the Administrative Council.

He announced a result of 13 votes for the motion, 40 against and 36 abstentions

On the motion to elect 44 Members, he announced a result of 21 votes in favour, 31 against and 35 abstentions.

On the motion to elect 43 Members, he announced the result of 42 votes in favour, 29 against and 17 abstentions.

The option to elect 43 Members to the Council was thus approved by Committee 7.

4.35 The delegate of Spain, on a point of order, pointed out that the remaining options also had to be voted upon.

4.36 After an exchange of views on the appropriate provision of the Convention and the Deputy Secretary-General having read out Nos. 562, 563 and 564, the Chairman said it was for the meeting to decide on whether or not to continue voting on the remaining two options. He observed that 36 delegations were in favour of continuing, 46 against and six abstentions. Consequently, he took it that the decision of Committee 7 was to inform the Plenary that, on the basis of a vote, it recommended that 43 Members be elected to the Administrative Council.

It was so agreed.

The meeting rose at 2235 hours.

The Secretary:

A.M. RUTKOWSKI

The Chairman:

A. VARGAS ARAYA

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to

Document 397-E

29 June 1989

Original: English

SUMMARY RECORD

OF THE

TWENTY-THIRD MEETING OF COMMITTEE 7

1. Amend paragraphs 2.12 and 4.19 as follows, to read:

"2.12 The delegate of the Netherlands said that her comments were to be seen in the light of the overall work of Committee 7. Committee 7 is discussing the improvement of the functioning of the Union in order to meet new challenges and to meet new requirements. This need of adaptation to new circumstances is very familiar to every organization. She said that an organization should have certain dynamics to meet new requirements. In the Netherlands, in her own organization, if important organizational reviews are undertaken and subsequent decisions have to be made it is not recommendable nor practice to do that with the people who are already there for 25 years. This was precisely the reason for the Netherlands to support the limitation of the number of terms of the elected officials. In line with the policy, noting that out of about 40 members of the Administrative Council are already there for four terms or more she declared that this does not create the image of optimal dynamism. Moreover in many U.N. organizations formal rotating systems exist and prove to be effective. For these reasons she said she was sympathetic towards a certain degree of rotation, with each region having a number of fixed seats in order to provide for continuity and stability. Others from that region should participate by rotation whereby rotating Members could serve on Council only one term. For the next term, immediately following thereafter they could not be elected. She was in favour of formal rotation but believed that the matter of the appropriate mechanism was to be left to the study on the overall review of the Union."

"4.19 The delegate of the Netherlands gave a general comment to this item, without going into legal details. She said that legal elements were to be dealt with by Committee 9. She said that the Committee should be discussing the need to insert transitional provisions into the legal instruments to be established at the current Plenipotentiary Conference and not be re-opening debate about a date for the next Plenipotentiary Conference. That date, which the Chairman called "the core of this agenda item" was presently under discussion in other groups related to Committee 7 and there appeared to be an important document before Plenary that afternoon, which also addressed this item. She stated that she was therefore strongly against a new discussion in Committee 7 of the date for the next Plenipotentiary Conference. That date, as could be seen from the Legal Advisor's opinion in Document 349, was not relevant for the decision on the principle of the need of inserting transitional provisions in the Constitution. She further said that all delegations had come to Nice with the intention to establish a Nice Constitution and Convention. The reasons to come to new stable legal instruments were confirmed by the Conference. A decision on transitional provisions concerning the most crucial articles in the Constitution, at the current phase would in her Delegation's view, undermine the feature of stability and was therefore unacceptable to her Delegation."

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 397-E

27 June 1989

Original: English

COMMITTEE 7

SUMMARY RECORD

OF THE

TWENTY-THIRD MEETING OF COMMITTEE 7

(STRUCTURE OF THE UNION)

Thursday, 22 June 1989, at 0910 hrs

Chairman: Mr. A. VARGAS ARAYA (Costa Rica)

Subjects discussed:

Documents

- | | | |
|----|---|---|
| 1. | Organization of work | - |
| 2. | Elections to the Administrative Council
- regional distribution and rotation | DL/36, 19(Rev.1),
132 |
| 3. | Report by the Chairman of
Drafting Group 7 ad hoc 2 | - |
| 4. | Transitional provisions relating to a
Plenipotentiary Conference to consider the
review (continued) | 86, 340(Rev.1), 349,
357, 362, 363,
388(Rev.1), DL/47 |

1. Organization of work

1.1 After an exchange of views with the delegate of the United States, supported by the delegates of the United Kingdom, the Netherlands, the USSR and Papua New Guinea, on the one hand and the delegate of Indonesia, supported by the delegates of Colombia, Zimbabwe, Algeria, Chile and India, on the other, on whether or not to postpone discussion of transitional provisions, the Chairman said that work would proceed on the basis of the agenda as published.

1.2 The Chairman, reporting on the situation concerning the summary record of the ninth meeting of Committee 7 on 7 June, which had been published in a mutilated form, said that the explanations of the Secretariat had been unsatisfactory. Summary records were signed by various responsible persons, the last of which was the Chairman of Committee 7. Between the time of signature by the Chairman of Committee 7 and printing, someone had mutilated the approved text of the record of that important meeting. Due to the gravity of the matter, the Secretary-General had been requested to report on the results of the investigation at the following meeting of Committee 7. Consequently, all the summary records would be left in abeyance and delegates were reminded to hand in any corrections thereto to the Secretariat by 1800 hrs the following day.

2. Elections to the Administrative Council - regional distribution and rotation
(Documents DL/36, 19(Rev.1), 132)

2.1 The Chairman recalled the decision taken by vote in Committee 7 the previous evening that 43 Members be elected to the Administrative Council. Consultations on regional distribution had been held with various delegations and he could recommend that the Committee adopt one additional seat for region D and one additional seat for region E.

It was so agreed.

With respect to rotation, the Chairman said that after consultations with several delegations it was proposed to transmit the summary record of the debate on the matter, together with the documents containing the various proposals to the overall review of the structure and functioning of the Union since it was clear that with respect to rotation mechanisms broader study was required.

2.2 The delegate of Portugal recalled that the principle of rotation had been accepted by several delegations at the previous meeting and could thus be included in the Constitution. However, he did not think that consensus could be achieved on the proposals since only three matters had been agreed: the procedure for choosing the fixed part, either by vote or contribution, where he thought vote was preferable and could revise his proposal in that context; the percentage; and the setting up of a small group to draft the text which could possibly be adopted on the basis of the proposals and the records of the debate.

2.3 The delegate of the United Kingdom, referring to the Chairman's suggestion that the proposals on rotation and the record of the discussion be referred to the overall review, said that it was essential for such a review to take place before a decision on the mechanism involved. Some proposals were complex and had far-reaching implications and there had not yet been enough debate to have reached a conclusion in principle that rotation should be introduced. During the discussion of the previous evening, his remarks had been limited to the size of the Council and at least two other delegations had also limited their remarks. If the record of the meeting was to be transferred to the review, he wished it placed on record that his Delegation was not in favour of introducing a formal system of rotation into the Constitution. He added that the review was not to be given the impression that there had been consensus in favour of that change.

2.4 The delegate of Italy said that at the previous meeting no discussion had been held on the matter and proposals had merely been introduced. The topics should be referred to the group on the structure and functioning of the Union.

2.5 The delegate of Guinea said that rotation at the Administrative Council was very important since a greater number of Members participating in the work of the Council would make for more equity. It was therefore advisable to examine the problem at that meeting.

2.6 The delegate of Lebanon, although he could accept the principle of having a mechanism for rotation, believed that a purely technical mechanism would not be compatible with choosing the best Members for the Administrative Council whose job it was to manage effectively the interests of the Union. It was necessary to strike a balance between the best possible representation on Council and the choice of each individual Member, with due regard to its history and effectiveness on the Council, with the aim of having the best possible choice for defending the interests of the Union. Implicitly, by electing Members, rotation was introduced without a written text.

2.7 The delegate of Australia supported the statement by the delegate of the United Kingdom and agreed that by voting Members to Council rotation had been provided for. He believed that a smaller number could contribute more effectively at a higher level. He commended the delegate of Portugal for his contribution to include that notion in the Constitution but did not believe it was necessary to do so. He was not in favour of formal rotation which he felt would be contrary to the interests of the Union, and therefore favoured the existing provisions.

2.8 The delegate of the United States, sympathizing with the delegate of the United Kingdom, said that all recognized that the Administrative Council played a major role between Plenipotentiary Conferences with respect to complex issues such as technical assistance, salary decisions, staffing, fiscal reviews of the budget, etc. Continuity on the Administrative Council was good for the Council, the Members and the entire Union. He recognized broader participation to be good in principle. However, he had concerns regarding the specific formula involved, either on the basis of votes or contributions. The splitting of terms could lead to a certain instability on the Council and terms shorter than the period between Plenipotentiary Conferences made for inefficiency. The best approach was the ballot box which provided freedom of choice across the board and from the individual regions and constituted a degree of rotation dictated by the entire membership. Regional agreements were also effective and Members were to be encouraged to work together and develop a means for achieving a degree of rotation and comprehensive representation within the regions, which would best serve the interests of those regions and the Union as a whole.

2.9 The delegate of Sweden, supporting the delegate of Australia, said he was in favour of making no change since free choice was provided at the time of elections.

2.10 The delegate of Greece was in favour of the principle of rotation but said the matter was complex and while a definite solution could not be found at that Conference it did merit examination and a decision.

2.11 The delegate of the Federal Republic of Germany said that the matter of rotation should be carefully studied. The present system allowed for total freedom of choice and stability of the Administrative Council. No formal decision should be taken on rotation and the matter should be left to the Study Group.

2.12 The delegate of the Netherlands said she was sympathetic towards a certain degree of rotation, with each region having a number of fixed seats and others participating by rotation, whereby rotating Members could serve on Council only once between Plenipotentiary Conferences. She was in favour of formal rotation, but believed that the matter of the appropriate mechanism was to be left to the study on the overall review of the Union.

2.13 The delegate of Cameroon said that the problem was not to be for or against rotation but to know the reasons for it and the methods to effect it. He was in favour of the status quo with the various problems being referred to the global study.

2.14 The delegate of Bulgaria said that the possibility of rotation was already allowed for under the present system of voting. At the Plenipotentiary Conference all delegations could assess the contributions made by the different countries and freely choose the ones they wished. When defending the interests of a given region the interests of the Union and the interests of all its Members also had to be considered. Once elected, Members needed to have experience since they had to take an active part during the entire term of office. Re-election was the expression of confidence on the part of the other Members in their ability to defend the interests of the Union. He therefore believed that there was already a principle of rotation. On a procedural point, and in the interests of saving time, he requested that delegates be asked to raise their cards when it came to pronouncing in favour or against the inclusion of the principle of rotation in the Constitution.

2.15 The delegate of the German Democratic Republic, in the interests of stability, said he was not in favour of a formal principle of rotation and believed that rotation should be handled within each Region, perhaps by regional agreements.

2.16 The delegate of New Zealand said that the issue could be illustrated by a number of increasingly difficult questions that had to be answered, ranging from whether or not there should be periodic changes in the membership, how and where such changes were to be effected, how the situation was to be improved, who should and who should not rotate. He believed that there were several mechanisms for change which had to be found and studied and he therefore supported the idea of transferring the item to a wider study of the Union and said that in the short-term more regional agreements and groupings should be encouraged.

2.17 The delegate of Canada agreed with the comments of the delegates of the United Kingdom, the United States and Australia. The latter two in particular, had pointed out inherent problems and potential solutions. He could sympathize with those desiring sound representation and believed the present system provided that. A system that would deny Members the right to select from the full range of Members those that could best represent their interests would be inherently wrong. The analogy of rotation of individuals could not be applied to the Administrative Council since administrations could revitalize themselves. He therefore supported the referral of the matter to the review that was to be undertaken and said that he had made his statement in the interest of a balanced record being brought before that body.

2.18 The delegate of Lesotho was in favour of formal rotation as had been stated by the delegates of the Netherlands and New Zealand, but the problem was how it was to be carried out and a for that mechanism needed to be studied. Those already on the Council wished to remain and the others wanted flexibility.

2.19 The Chairman said that there had been a number of interventions for or against rotation and various comments on the modalities. There had also been a number of suggestions that the proposals and the records of the debate be referred to the study on the overall review on the structure and functioning of the Union. In the absence of objections, that would be the decision of the Committee 7.

2.20 The delegate of Portugal, referring to the intervention by the delegate of Lesotho, said it was only natural that those already on the Council wished to defend their seats and those not on it wanted to have access. It had been said that the present system was democratic and problems could be solved on the regional level. However, Document DL/44 gave another picture. The situation had become one which merely postponed the problem and was negative with regard to the issue of access of other countries at another Plenipotentiary Conference. He suggested that the Committee be consulted on the desirability of embodying the principle of rotation in the Constitution.

2.21 The delegate of Chile concurred with the delegate of Portugal and said that the best solution was to have regional rotation, but that it posed a problem in that regions did not always present the same characteristics. However, the problem was for the ITU and not for the regions themselves so the solution had to be sought within the ITU. Whatever the result, it had to be determined whether the principle of rotation was acceptable, without defining a mechanism.

2.22 The delegate of Italy, as a Member having served on the Administrative Council, said that not all Council Members wished to preserve the status quo and he was in favour of forwarding the matter for study by the group on the overall review. He was in favour of rotation within a region but considered its introduction into the Constitution premature since the principle could not be dissociated from the methods.

2.23 The delegate of Guinea strongly supported the delegate of Portugal and said that the principle of rotation was fair and equitable and deserved to be studied.

2.24 The Chairman asked whether the majority could support his proposal, taking note of all the comments, to transmit the records of the debate on rotation, together with the relevant documents containing the various proposals to the high level committee on the overall review of the structure and functioning of the Union.

It was so agreed.

2.25 The Chairman said he would prepare temporary documents to cover the remaining items left outstanding with respect to the Administrative Council before they were transmitted to other Committees. Thus the proposal by Canada 72/CAN/6 on the transfer to the Constitution and the Convention could be forwarded to Committee 9 and proposals by Paraguay, 95/PRG/98 and 95/PRG/99 to Committee 10 as they contained only editorial amendments. If there were no objections, he would prepare the relevant documents and thus conclude the subject of the Administrative Council.

It was so decided.

3. Report by the Chairman of Drafting Group 7 ad hoc 2

3.1 The delegate of the Federal Republic of Germany, in response to the Chairman of Committee 7 and on behalf of the Chairman of the Drafting Group, said that the Group had been working on a draft Resolution based on an earlier draft which in turn had been based on the proposal by the Federal Republic of Germany in Document 97. Work was progressing well, but could not be concluded that evening.

4. Transitional provisions relating to a Plenipotentiary Conference to consider the review (continued) (Documents 86, 340(Rev.1), 349, 357, 362, 363, 388(Rev.1), DL/47)

4.1 The Chairman reminded the Committee of the Note from the Chairman of Committee 9 (Document 362). In accordance with the request contained therein, Committee 7 would be taking decisions on matters of substance only, questions of form being left to Committee 9.

4.2 The delegate of the Islamic Republic of Iran said that consultations relating to his Delegation's proposal to place within square brackets the reference, in Document 340(Rev.1), to 1991-1992 for the convening of a Plenipotentiary Conference, had made no progress. Therefore, his Delegation would not insist on its proposed amendment.

4.3 The delegate of India said that the proposal contained in Document 340(Rev.1) had been supported by a number of delegations. The Committee should take a decision on it immediately, to permit the Plenary to take timely action.

4.4 The Chairman said, in response to a request by the delegate of Kenya, that the proposal contained in Document 86 would be included in the current discussion.

4.5 The delegate of Hungary asked whether the Legal Adviser could state what the position would be, in the event of a Plenipotentiary Conference convened in 1991 or 1992, with regard to participation by administrations having been unable to ratify, by that time, the Final Acts of the Nice 1989 Plenipotentiary Conference.

4.6 The delegate of Zambia said that his Delegation had no objection in principle to the intention behind the proposals contained in Documents 340(Rev.1) and 349 but the transitional procedure needed to be clearly set forth. Perhaps it would be safer to adopt a permanent procedure, such as that proposed by the Administration of Kenya. Provisions of that nature were to be found in the Constitutions of other international organizations. His Delegation agreed that there should be provision for a transitional period but felt that the matter should be referred to Committee 9, together with the Legal Adviser's comments, for a ruling on whether a Resolution or a Protocol would best serve the purpose. He would also like to hear a reply to the question raised by the delegate of Hungary.

4.7 The delegate of Indonesia agreed with the delegate of India that the Committee should take a speedy decision on the proposal contained in Document 340(Rev.1). His Delegation appreciated the gesture of the Delegation of the Islamic Republic of Iran in withdrawing the proposal to place the date 1991-1992 in square brackets, and foresaw no technical problem with regard to carrying out a study one year before the convening of a Plenipotentiary Conference during that period.

4.8 The Secretary-General said that the situation referred to in the question by the delegate of Hungary was not new. The Union had always had suitable provisions which provided recognition for Members who were parties to the International Telecommunication Convention and who would be recognized Member States in the relevant part of the proposed Nice basic instrument. No. 179 of the Convention meant that a signatory government which had not deposited an instrument of ratification would have a two-year period after the entry into force of the Nice Convention before it lost any entitlement. The matter had been referred to by him and the Legal Adviser at a previous meeting. The real issue was to ensure that an appropriate transitional text was established. The soundest practical way would be a suitable provision in an Article of the Nice Convention, as proposed in the annex to Document 349, supplemented in such a way as to cover all possible contingencies. The form the provision would take was, of course, a matter for Committee 9.

4.9 The delegate of Colombia, under No. 520 of the Convention, moved closure of the debate.

4.10 The delegate of France, supported by the delegate of Belgium, opposed the motion.

4.11 The delegate of the USSR proposed, under No. 518 of the Convention, that the debate should be postponed.

Following a brief procedural discussion in which the delegates of Algeria, the United States, Saudi Arabia, the USSR and Colombia took part, the motions by the delegates of Colombia and the USSR were withdrawn.

4.12 The Chairman accordingly invited delegations wishing to speak on the current agenda item so to signify for the purpose of closing the list of speakers. He would ask speakers to observe a time limit of three minutes.

4.13 The delegate of Uruguay, speaking on a point of order, wondered whether there was any point in discussing the matter in Committee 7, since it would seemingly be pre-empted by a discussion to be held in a Plenary Meeting on the duration and results of the relevant study - a matter raised in paragraph 2.7 of Document 388(Rev.1) concerning elements involved in a global approach to certain important conference questions.

4.14 The Secretary-General said that, in his view, the fact that a Plenary decision would take priority did not preclude Committee 7 from proceeding with the business inscribed on its agenda.

4.15 The delegate of France said that in view of the elements outlined in Document 388(Rev.1) it was indispensable to explain its relevance to the proposal contained in Document 340(Rev.1). A limit of three minutes for statements would render that impossible.

4.16 The delegate of the United Kingdom proposed, under No. 516 of the Convention, that the debate should be suspended.

4.17 The delegate of the Netherlands supported that proposal; the delegates of Indonesia and India opposed it.

The proposal was rejected by 57 votes to 33, with 11 abstentions.

4.18 The delegate of Canada said that the Committee was pursuing an uncertain course. Discussion of Documents 340(Rev.1), 349 and DL/47 involved points of substance over and above the matters within the purview of Committee 9. The proposed review on the structure and functions of the Union could embrace those structures and functions in their entirety, leaving the current draft Constitution to an uncertain future. One example was the elections; it could well appear desirable, during the review, to create new elected posts or amalgamate existing ones, but any premature restriction would prevent that. It seemed impossible to offer any clear solution at the current phase, but it was essential to bear such potential difficulties in mind and proceed with extreme care.

4.19 The delegate of the Netherlands said that the Committee should be discussing the need to insert transitional provisions into the legal instruments to be established at the current Plenipotentiary Conference and not be re-opening debate about a date for the next Plenipotentiary Conference. That date, as could be seen from the Legal

Adviser's opinion in Document 349, was not relevant. The task of the current Conference was to establish a stable Constitution and Convention. A decision, at the current phase, to insert transitional provisions, would undermine the feature of stability and was therefore unacceptable to her Delegation.

4.20 The delegate of Chile said that, with regard to the substance of the proposals, his Delegation felt that the convening of a Plenipotentiary Conference should be reflected in the basic instruments to be produced at the current Conference. However, the requisite transitional text should appear in a Resolution, not in the Constitution.

4.21 The delegate of Lesotho said that his Delegation supported in principle the convening of a subsequent Plenipotentiary Conference, which could have a restricted agenda. He agreed with the delegate of Zambia about the need for a permanent mechanism in the Constitution to deal with the convening of a special Plenipotentiary Conference.

4.22 The delegate of the United States said that Document 340(Rev.1) related to a matter was being considered by an ad hoc Group which had not yet concluded its deliberations; therefore, discussion of the matter in the Committee was unnecessary and inappropriate, especially since it was not clear at the current phase, whether a transitional procedure was needed or not. In any case, to put such provisions into a Constitution was unacceptable to his Delegation. The latter also agreed with the observation made by the delegate of France.

4.23 The delegate of Mexico agreed that the presentation of Document 388(Rev.1) for consideration by the Plenary did have a bearing on Committee 7's current debate, as did the work being carried out in the Drafting Group referred to. Therefore, his Delegation shared the concern voiced by previous speakers about the need for extreme care in decision-taking. It would seem more practical to suspend the current debate until delegations had had an opportunity to study Document 388(Rev.1) and learn the outcome of the work being done in Drafting Group 7 ad hoc 2.

4.24 The delegate of Bulgaria said that, in view of the expert review to be carried out, it was premature to contemplate the convening of an extraordinary Plenipotentiary Conference. Indeed, the very notion of such a forum with a restricted agenda could have an adverse effect on the work of the Union and the basic texts. His Delegation reiterated its appeal to await the outcome of an expert review, which could be discussed at a subsequent regular Plenipotentiary Conference, possibly in 1994.

The meeting rose at 1220 hours.

The Secretary:

A.M. RUTKOWSKI

The Chairman:

A. VARGAS ARAYA

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 398-E

26 June 1989

Original: English

COMMITTEE 9

SUMMARY RECORD

OF THE

FOURTEENTH MEETING OF COMMITTEE 9

(BASIC INSTRUMENT OF THE UNION)

Wednesday, 21 June 1989, at 1440 hrs

Chairman: Mr. H.H. SIBLESZ (Netherlands)

Subject discussed:

1. Consideration of proposals (continued)

Documents

DT/12 + Corr.1
+ Add.1 + Add.2,
Documents A and B,
GE-BIU 50(Rev.)

1. Consideration of proposals (Documents DT/12 + Corr.1 + Add.1 + Add.2, Documents A and B, GE-BIU 50(Rev.) (continued)

Article 43 - Provisions for amending this Constitution

No. 186

1.1 The Legal Adviser said that there was only one proposal in writing for the amendment of No. 186, namely PRG/95/73 submitted by the Delegation of Paraguay, and it related only to the deadlines by which proposals for amendments had to reach the Secretary-General and the Secretary-General had to forward such proposals to all Members.

1.2 The delegate of Paraguay said that in view of the possible use of Telefax and other modern methods of telecommunication, his Delegation considered the time limits in No. 186 too generous and proposed that each should be reduced by two months.

1.3 The Chairman invited delegates to indicate by a show of hands whether they preferred the text prepared by the Group of Experts (Document A) or the Paraguayan amendment to it.

He noted that there were 35 delegates in favour of the Group of Experts' text, and six delegates in favour of the Paraguayan amendment.

The text of No. 186 prepared by the Group of Experts (Document A) was approved.

No. 187

1.4 The Legal Adviser suggested that the wording of No. 187 be amended to read: "... a Member of the Union or by its delegation at the Plenipotentiary Conference". The wording in Document A had resulted from a misconception by the Group of Experts, since no delegation existed prior to a Plenipotentiary Conference.

1.5 The delegate of Kenya said that he had some doubts regarding the suggested amendment and thought that it might be better to retain the word "including".

1.6 The delegates of Czechoslovakia and Cote d'Ivoire supported the proposed change.

1.7 The Legal Adviser explained that he had suggested the change because a delegation as such only came into existence, as far as the Union was concerned, after it had registered and deposited its credentials at a conference.

The suggested amendment to the existing text of No. 187 was approved.

1.8 The Legal Adviser noted that, at the present stage, 12 proposals supported the wording proposed by the Group of Experts, two proposals were for its deletion and the retention of the alternative text in square brackets, and six proposals were for the deletion of the text in square brackets. The majority of written proposals, therefore, were in favour of the existing text of No. 187.

1.9 The delegate of the United States said that his Delegation preferred the alternative text because, following on the approval of No. 186, Members might anticipate receiving proposed amendments before the opening of the Plenipotentiary Conference. The alternative text in 2 a) was a procedure to stimulate interest in proposed amendments as soon as possible so that Members would have plenty of time to examine such amendments and submit modifications to them if they saw fit. The alternative text for 2 b) recognized the fact that not all changes could be

anticipated, and allowed for the possibility of filing a modification to an amendment at a Plenipotentiary Conference if that was generally recognized as desirable. The texts of 2 a) and 2 b) together reduced the likelihood of proposals being made at a Conference which were not widely supported, and thus should lead to economies in the work of future Plenipotentiary Conferences.

1.10 The delegate of Cameroon said that his Delegation also preferred the alternative text for the reasons explained by the United States. Moreover, he felt that No. 187 in Document A ran counter to No. 186, the aim of which was to give delegations time to react to proposed amendments before the beginning of a conference.

1.11 The delegate of Venezuela said that his Delegation favoured retention of the existing text of No. 187 which, together with No. 186, allowed for greater flexibility in the submission of amendments and modifications to amendments both prior to and during a conference.

1.12 The delegate of Turkey opposed the alternative text in 2 a) and 2 b) on the grounds that a delegation should be able to introduce a modification to an amendment at any time, and it was not appropriate to fix a time limit for it.

1.13 The delegates of the USSR, Argentina, Paraguay, Kenya, Tanzania, China, Republic of Cape Verde, Zambia and Czechoslovakia expressed themselves as in favour of the existing text of No. 187 for the reasons given by the Venezuelan delegate.

1.14 The delegate of France supported the alternative text for No. 187 2 a) and 2 b) for the reasons given by the delegates of the United States and Cameroon. He further drew attention to the important word "timely", which was to be found both in No. 186 and in alternative text 187 2 b). If the existing text of No. 187 was approved, it would defeat the object of "timely transmission" in No. 186, and would mean that administrations might be left with no time in which to consider a proposed modification to an amendment. However, the right to introduce a modification to an amendment even at a conference would also be safeguarded by alternative text 187 2 b).

1.15 The delegate of Mexico endorsed the alternative text for No. 187 for the reasons stated by the United States and French delegates. He pointed out that the aim of the Conference was to produce a permanent and stable Constitution. It had been suggested that the right of administrations to submit amendments to the Constitution might be infringed by certain provisions, but that was by no means the case since No. 186 safeguarded that right while imposing a certain regulation on it.

1.16 The delegate of Japan said that while he had great sympathy with the alternative text proposed, which was similar to the procedure followed in the ITU's sister organization, the UPU, he was not in favour of it. Since his Delegation's mother tongue was not English, it considered it essential to guarantee the right to submit amendments in writing. He would therefore prefer the existing text of No. 187 without change.

1.17 The delegate of Côte d'Ivoire said that she also desired a stable Constitution, which would not be subject to constant amendment but that stability must be inherent in the very substance of the Constitution and not repose on the fact that its amendment was forbidden by a provision which would infringe the sovereign rights of Members. She therefore supported the view expressed by the delegate of Venezuela.

1.18 The delegate of the United Kingdom said that in general his Delegation was in favour of the text of No. 187 as proposed by the Group of Experts, but after listening to the discussion he thought that some of the concern expressed by the United States delegate might be met by adding the following type of wording to No. 187: "Any such proposed modifications received by the Secretary-General not later than three months before the opening of the Plenipotentiary Conference shall be forwarded by him to all

Members of the Union as they are received." Such a provision would not absolutely require proposals to be submitted at least three months before the opening of the Conference but it would encourage administrations to do so.

1.19 The delegate of Argentina endorsed the addition proposed by the United Kingdom delegate, but suggested that it might be better not to establish any time limit for the submission of proposed modifications but to allow the Secretariat to forward each modification as it was received.

1.20 The Legal Adviser said that the addition proposed by the United Kingdom delegate had considerable merit from the point of view of Members of the Union, and to comply with it would not cause any undue difficulties for the Secretariat. He suggested that, strictly in the interest of Members, it might even be preferable to reduce the three-months time limit proposed by the United Kingdom delegate to two months, which would give governments more time in which to consider submitting modifications to amendments.

1.21 The Chairman solicited the views of Members regarding the United Kingdom proposal, which might provide an acceptable compromise.

1.22 The delegate of the United States said that if the existing text of No. 187 was retained, it would be desirable to consider adding some such provision as the United Kingdom delegate had proposed. However, he saw no need for the inclusion of a time limit in such a text, since the main rush of documents for translation would be prior to the eight months time limit in No. 186.

1.23 The delegate of Mexico expressed doubts regarding the United Kingdom delegate's proposal. As it stood, it would not adequately guarantee the stability of the Constitution.

1.24 The delegate of France said that, while he was always in favour of a compromise, he was not sure that the United Kingdom proposal was appropriate. It was desirable that amendments and modifications to them should be submitted in due time for them to be considered as a whole. Moreover, from the practical point of view, if the Secretariat received a flood of amendments at the last minute they might be unable to cope with the processing. In his view No. 187 was not a restrictive provision, whereas the alternative text for No. 187 2 b) was. The latter tried to compel Members to submit modifications to amendments within a certain time whereas such modifications were always entitled to be accepted.

1.25 The delegate of Cameroon said that the United Kingdom text did not appear to his Delegation to be an adequate compromise or to make any real difference to the existing text of No. 187. Whether the time limit for the submission of modifications was three months or two months, governments would not be able to use that time to study the proposed amendments.

1.26 The Chairman said he had at first thought that the United Kingdom proposal might provide an acceptable compromise, but that did not appear to be the view of the meeting. Before the submission of the United Kingdom proposal, there had been a clear majority in favour of the existing text of No. 187.

No. 187 (Document A) was approved with the drafting amendment suggested by the Legal Adviser.

1.27 The Chairman drew the Committee's attention to the fact that the Argentine proposal for circulation of the proposed modifications in No. 189 to all Members by the Secretary-General was already covered by the provisions of No. 190, since such circulation was a general proviso applicable to all conferences and meetings.

No. 188

No amendment having been proposed to No. 188, it was approved without change.

No. 189

1.28 The Legal Adviser drew the Committee's attention to the fact that the Group of Experts had proposed two alternatives for the qualified majority required to accept a proposed amendment or modification thereto: a) two-thirds of the Members of the Union; and b) two-thirds of the delegates accredited to the Plenipotentiary Conference and having the right to vote. Nine Members of the Union had submitted written proposals in support of alternative a), five in support of alternative b).

1.29 Support for alternative a) was expressed by the delegates of the United States, German Democratic Republic, USSR, Czechoslovakia and United Kingdom. The delegate of the United States said that it was essential that the qualified majority should not be a number that varied widely, as would happen if changes in voting status or attendance at meetings was taken into account. The membership of the Union, which only altered with the accession of new Members, was a stable figure and thus appropriate for calculation of the qualified majority. The delegate of the USSR added that judging from the attendance figures for the present Plenipotentiary Conference application of alternative b) could lead to situations where an amendment was adopted by less than half the membership of the Union; that was insufficient support for a change to what was a basic instrument. He would not press for deletion of the words "at least", qualifying the figure two-thirds, as proposed in URS/16/8, since the sense of not less than two-thirds was already implied in the wording of the provision. The delegate of Czechoslovakia noted further that if an amendment was adopted by too small a proportion of the Union membership it ran the risk of being rejected at ratification; alternative a) would thus ease the ratification procedure.

1.30 The delegate of Venezuela, while expressing a preference for alternative a), expressed concern that the qualified majority was not restricted to Members having the right to vote.

1.31 The Legal Adviser said that on that particular point care would need to be taken, if alternative a) was adopted, to make sure that it was compatible with the provisions of No. 10 of Article 2. In answer to a question from the delegate of Cameroon, he said that the delegates accredited to a conference included those Members who had delegated their powers to another Member under No. 391 of the Nairobi Convention (see No. 188 of the draft Nice Convention). Under the terms of alternative a) Members not present at a Plenipotentiary Conference would be taken into account in the calculation of the qualified majority; however, it was open to such Members to send in their view or proposals in writing or to delegate powers to enable a Member attending the Conference to vote for them.

1.32 Support for alternative b) was expressed by the delegates of Japan, Kenya, New Zealand, Tanzania, Mali, Mexico, Paraguay, Colombia and Iceland on the grounds that, judging from the figures for attendance and voting strength at the present Plenipotentiary Conference, the qualified majority in alternative a) would place an unreasonable obstacle to amendment of the basic instrument. Although such amendment should be made difficult it should not be rendered virtually impossible. The delegate of Colombia noted in the context of future possible amendments to the Constitution that, in principle, the next Plenipotentiary Conference would be considering structural

reform of the Union. The delegate of Kenya observed that before a conference was entitled to proceed it had to have a quorum, that quorum had the duty and required the means to complete the work of the conference. The interests of the total membership were safeguarded by the requirement for ratification of any amendment by three quarters of the Members of the Union.

1.33 The delegate of Australia said he supported alternative a). However, in view of the arguments, based on calculation of attendance figures, that such wording would render amendment of the Constitution virtually impossible, he would not oppose adoption of alternative b).

1.34 The delegate of the Federal Republic of Germany said that he would prefer alternative a) because that provided a stable figure for calculation of the qualified majority. However, in view of the fact that figures on attendance and voting status showed that such wording might make such amendment of the Constitution virtually impossible he suggested that alternative a) should be adopted with the addition of the words "and having the right to vote".

1.35 The delegate of Argentina said that although in the light of the voting strength likely to be reached at Plenipotentiary Conferences, it might be unreasonable to stipulate a qualified majority of two thirds of the membership, it would be reasonable to expect that amendments should be accepted by at least half of that membership. To achieve that, he proposed that alternative b) be adopted with the stipulation "and having the right to vote" deleted.

1.36 The Chairman, noting that discussion of the two alternatives, each with a variant, had centered on the voting strength to be expected at Plenipotentiary Conferences, suggested that further discussion of the matter be postponed until a paper could be placed before the meeting for its guidance giving the figures for the attendance and voting status of delegations to both the Nairobi and Nice Plenipotentiary Conferences.

It was so agreed.

The meeting rose at 1740 hours.

The Secretary:

A. NOLL

The Chairman:

H.H. SIBLESZ

PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 399-E

29 June 1989

Original: English

COMMITTEE 9

SUMMARY RECORD

OF THE

FIFTEENTH MEETING OF COMMITTEE 9

(BASIC INSTRUMENT OF THE UNION)

Thursday, 22 June 1989, at 0905 hrs

Chairman: Mr. H.H. SIBLESZ (Netherlands)

Subjects discussed:

Documents

1. Approval of the summary record of the eighth meeting of Committee 9
2. Consideration of proposals (continued)

316

DT/12 + Corr.1
+ Add.1 + Add.2
Documents A + B
GE-BIU 50(Rev.)
DL/43

1. Approval of the summary record of the eighth meeting of Committee 9
(Document 316)

The summary record was approved on the understanding that delegates were entitled to submit corrections to their own statements, in writing, to the Secretariat.

2. Consideration of proposals (continued)
(Documents DT/12 + Corr.1 + Add.1 + Add.2,
Documents A + B, GE-BIU 50(Rev.), DL/43)

Article 43 - Provisions for amending this Constitution (continued)

No. 190

No amendment having been proposed to No. 190, it was approved without change.

No. 191

2.1 The Chairman said that the meeting had two alternative texts before it. The essential difference between them was that the first alternative provided for separate acceptance by Members of each amendment, or related group of amendments, emanating from a given Plenipotentiary Conference, whereas the second alternative provided for acceptance of all such amendments as a single block. He invited the meeting to decide between those two principles before going on to discuss the actual wording of the provision.

2.2 The Legal Adviser said that 12 Members had provided written proposals in support of the principle of the first alternative and 14 in support of the principle of the second alternative (the latter including the Federal Republic of Germany, whose proposal, although listed under Alternative 1, was to modify the wording to bring it into line with the principle of Alternative 2).

2.3 The delegate of the United States, supported by the delegates of the United Kingdom, Japan, Turkey and France, endorsed the principle of the first alternative. He believed that each amendment or related group of amendments should stand or fall on its own merit. A single legal instrument containing all the amendments of a Plenipotentiary Conference, would necessarily contain amendments on unrelated subjects that would have to be accepted or rejected as a single package. Dealing with amendments, or related groups of amendments, separately for ratification purposes would allow governments to consider them according to subject matter, allowing them to accept some and reject others. Were all amendments to be combined in a single legal package, it would have the practical disadvantage of leading Members to concentrate their attention on those parts least desirable to them, with the result that ratification and entry into force of amendments generally supported throughout the Union would be delayed. The delegate of France added that a further advantage of the first alternative was that it would clarify the groups at issue since dependent and interrelated amendments would be grouped together, whereas with the second alternative such related amendments would be dispersed in an uncoordinated way throughout the package. Furthermore, the second alternative was a new procedure for the Union and its future operation in practice was unclear.

2.4 The principle of the second alternative was supported by the delegates of Canada, Australia, Argentina, the Federal Republic of Germany, Mexico, Kenya, the Ukraine, the Netherlands and China, all of whom considered that any amendments to the Constitution adopted by a given Plenipotentiary Conference should be dealt with as a unit for purposes of ratification and be embodied in a single legal document, which would then form the basis for ratification and acceptance procedures by Member governments. The delegate of the Federal Republic of Germany said that such an approach

to amendment of their basic instruments was common practice among international organizations. Separating the amendments made by a given Plenipotentiary Conference into several legal entities, ratifiable separately, could lead to an undesirable situation where different versions of the Constitution were valid for different Members of the Union, as had in the past been the case with the successive versions of the Convention. The consolidated legal document containing the entire set of amendments adopted by a particular Plenipotentiary Conference could then be identified by the name of the city and the year in which that Plenipotentiary Conference had been held.

2.5 The delegate of Czechoslovakia said that although his Administration had originally favoured the principle of the first alternative, his Delegation would now endorse the principle of a single unified text.

2.6 The delegate of Spain said that, while acknowledging the force of the United States' arguments, he considered, on balance, that the principle of the second alternative was preferable.

In view of the majority opinion in its favour, the Committee decided to accept the principle of the second alternative.

2.7 The Chairman invited the Committee to consider the wording of the provision as set out in the second alternative.

2.8 In the course of a discussion on the advisability of applying the term protocol to the single text containing constitutional amendments (to follow the wording of the first alternative), the Legal Adviser, in response to a request for clarification from the delegate of the United States, recalled that it was a tradition in the ITU to apply the term protocol to legal texts (named for this purpose Additional Protocols) related to the Convention as separate ratifiable entities and used to embody such financial and administrative matters relating to the period between Plenipotentiary Conferences as budget ceilings to be respected by the Administrative Council or the dates of taking office of elected officials. However, although ITU had not yet used it in that way, the term protocol was in very common use in other treaty-making bodies to designate the instrument embodying amendments to a basic text made by an amending conference. Such a protocol was generally given an identifying number or name, or the date of amendment was added as a footnote to the title of the amended Basic Instrument. The instrument referred to in No. 191 could thus be termed "a single amending protocol".

2.9 The delegates of Gabon and Argentina considered the term "protocol" the correct one to be used in the provision.

2.10 The delegate of Kenya expressed concern that in the change over period from a Convention to a Constitution there might be confusion among Members of the Union between the traditional ITU use of the term protocol and the new one. Furthermore, in some governments, use of that particular technical term might lead to difficulties of interpretation and application; it would therefore preferable to use a more general term.

In view of those difficulties, the Committee decided to use the term "single amending instrument" for the unified text containing all the amendments to the Constitution made by a Plenipotentiary Conference.

2.11 The delegate of Australia said it was his understanding that use of that term would be without prejudice as regarded terminology to any discussion that might take place later on the question of dispute settlement and the Optional Protocol to the Constitution and the Convention relating to compulsory settlement of disputes.

It was so agreed.

2.12 The Chairman, recalling proposal PRG/95/82 and with the support of the delegate of Spain, said that in the interests of clarity and precision it would be more appropriate for the text to reproduce all the terms for expression of consent to be bound by a treaty appearing in Article 11 of the Vienna Convention on the Law of Treaties, and in Article 1 of the draft Constitution, namely ratification, acceptance, approval or accession.

It was so agreed.

2.13 The delegate of France, sharing some of the concern of the delegates of Gabon and Argentina and in view of the Australian comment, which he endorsed, suggested that in Annex 2 (now Annex 1) to the draft Constitution definitions should be provided of the different types of instruments mentioned in No. 191 in order to avoid misunderstanding in the future.

On a suggestion by the Chairman, it was agreed to defer consideration of that point until Annex 1 was before the Committee.

2.14 The delegate of the German Democratic Republic, introducing proposal DDR/6/10, said it sought to amend the qualified majority for acceptance of constitutional amendments to one-third of the membership in order to bring the provision into line with Article 46, No. 198, where ratification of one-third of the membership was required for entry into force of the Constitution and Convention.

2.15 The Chairman said that since an amendment to its constituent instrument might affect the structure of an international organization as set out in that instrument, it was essential, in order to enable an international organization to function coherently, that such amendments should be binding on all Member States. An organization could not operate with a given structure for some Members and a different one for others. The Group of Experts had been unanimous on the point. However, if constitutional amendments were to be binding on all Members, even those which had not expressly accepted them, it was essential to set a qualified or threshold majority for imposition of that obligation. That was why the Group of Experts had set the figure at three-quarters of the membership. The provisions governing entry into force of the Constitution and Convention in Article 46, related to the point at which the Constitution and Convention became binding on the contracting parties only. If the qualified majority for constitutional amendments were to be lowered, the binding nature of the amendments concerned would have to be limited to the contracting parties.

2.16 The delegate of France reminded the Committee that the provisions of No. 198 dealt with both the Constitution and Convention, whereas No. 191 dealt only with the Constitution; hence the need for a qualified majority greater than that required for the Convention. He would, moreover, not press for proposal F/83/8, which sought to limit the binding nature of a constitutional amendment to the contracting parties only, since in the long term the Constitution would eventually be binding on all Members of the Union.

2.17 The delegate of Paraguay withdrew proposal PRG/95/9 to delete the wording making the provision binding on all Members.

2.18 The delegate of the German Democratic Republic said that if the general consensus of the meeting was for a qualified majority of three-quarters of the membership he would not press his proposal.

2.19 In the light of the discussion, the Legal Adviser suggested that No. 191 might be amended to read as follows:

"Any amendments to this Constitution adopted by a Plenipotentiary Conference shall, as a whole and in the form of one single amending instrument, enter into force on the 30th day after the deposit of instruments of ratification, acceptance or approval or accession, by Members not having signed such amending instrument, with the Secretary-General by three-quarters of the Members and shall thereafter be binding on all the Members of the Union; ratification, acceptance or approval of, or accession to, only a part of such amendments shall be excluded."

2.20 The delegate of Colombia said that any Member of the Union, as a sovereign State, had the right to reserve its position on any part of the Constitution, Convention or Administrative Regulations; it was not logical to expect it to be bound by amendments to those instruments should it have reservations on those amendments or any part of them. Provision for reservations should appear in the text of No. 191.

More importantly, with reference to the binding nature of constitutional amendments, he did not consider it admissible for any provision to be made binding on a Member State that had not expressly agreed to it. Tacit acceptance of the original Constitution had been ruled out; the same should apply in the case of amendments to that basic instrument. In support of that argument, he drew attention to Articles 39 and 40 of the Vienna Convention and the rules laid down in its Part II.

2.21 The Legal Adviser, replying to the first point, drew the delegate of Colombia's attention to the fact that No. 350 of the draft Convention made quite clear the entitlement of any Member of the Union to make reservations on amendments to the Constitution, Convention or Administrative Regulations as adopted by the respective conferences. There was thus no need to make special reference to reservations in provisions dealing specifically with other procedures such as amendment.

On the question of amendments being made binding on all Members on acceptance by a qualified majority, the Vienna Convention stated specifically in its Article 39 that its rules for amending a treaty applied, except in so far as that treaty might otherwise provide. Furthermore, Article 5 of the Vienna Convention stated that that Convention applied to a treaty adopted within an international organization without prejudice to any relevant rules of the organization. Those provisions had been inserted to take into account the need to provide for some deviation from, or flexibility with regard to, the general principles of international law, in so far as the constituent instrument of an organization were concerned, in order to prevent that organization becoming unworkable.

On the understanding that the Delegation of Colombia reserved its position on the text, No. 191 with the wording read out by the Legal Adviser was approved.

2.22 The delegate of the United Kingdom noted that a Plenipotentiary Conference by invoking No. 189 of the draft Constitution could retain a measure of flexibility in that a decision to depart from the unitary principle could be taken under the terms of that provision.

Nos. 192, 193 and 194

2.23 In the light of the text approved for No. 191 the Legal Adviser said that consequential amendments would be required for Nos. 192, 193 and 194, which might read as follows:

- 192 7. The Secretary-General shall notify all Members of the deposit of each instrument of ratification, acceptance, approval or accession and of the date of entry into force of any such amending instrument.
- 193 8. After entry into force of any such amending instrument, ratification, acceptance, approval or accession in accordance with Articles 38 and 39 of this Constitution shall apply to the Constitution as amended.
- 194 9. Upon entry into force of any such amending instrument, the Secretary-General shall register it with the Secretariat of the United Nations, in accordance with the provisions of Article 102 of the Charter of the United Nations. Paragraph 4 of Article 46 of this Constitution shall also apply to any such amending instrument.

Those texts were approved.

The meeting rose at 1230 hours.

The Secretary:

A. NOLL

The Chairman:

H.H. SIBLESZ

PLENIPOTENTIARY CONFERENCE

Document 400-E

24 June 1989

NICE, 1989

LIST OF DOCUMENTS (Documents 401 to 450)

N°	Origin	Title	Destination
351	C.7	Summary Record of the twenty first meeting of Committee 7 (not yet published)	C.7
352	ATG, BAH, BRB, BLZ, GRD, GUY, JMC, VCT, TRD	Note to the Chairman of Committee 4	C.4
353	ALG, B, CAN, NIG	Election and re-election of Director of CCIs - Request from the Chair for a common text	C.7
354	C.9	Sixth series of texts from Committee 9 to the Editorial Committee	C.10 (C.8 for information)
355	C.8	Third series of texts from Committee 8 to the Editorial Committee	C.10
356	Chairman Conference	Deadline for receipt of candidacies for the posts of Director of the CCIR, Director of the CCITT, members of the IFRB (five) and Members of the Administrative Council	-
357	SG	Note by the Secretary-General - Extracts from the nineteenth and twentieth summary records of Committee 7	C.7
358	C.4	Summary Record of the seventh meeting of Committee 4 (not yet published)	C.4
359	C.8	Summary Record of the eighteenth meeting of Committee 8 (not yet published)	C.8
360	PL	Minutes of the sixteenth plenary meeting (not yet published)	PL
361	C.9	Summary Record of the twelfth meeting of Committee 9	C.9
362	C.9	Note by the Chairman of Committee 9 to the Chairman of Committee 7	C.7

No.	Origin	Title	Destination
363	C.9	Note by the Chairman of Committee 9 to the Chairman of Committee 7	C.7
364	USA	Proposals for the work of the Conference - Draft Constitution	C.7
365	SG	Contributions by Members of the Union - Islamic Federal Republic of the Comoros	C.4
366	C.8	Note by the Chairman of Committee 8 to the Chairman of Committee 9	C.9
367	C.8	Note by the Chairman of Committee 8 to the Chairman of Committee 9	C.9
368	C.9	Note by the Chairman of Committee 9 to the Chairman of Committee 8	C.8
369	C.10	B.8	PL
370	C.4	Summary Record of the eighth meeting of Committee 4 (not yet published)	C.4
371	C.6	Summary Record of the tenth meeting of Committee 6 (not yet published)	C.6
372	C.9	Summary Record of the thirteenth meeting of Committee 9 (not yet published)	C.9
373	C.9	Seventh series of texts from Committee 9 to the Editorial Committee	C.10
374 +Corr.1,2	C.2	Report of Committee 2 to the Plenary Meeting (Credentials)	PL
375	C.8	Note by the Chairman of Committee 8 to the Chairman of Committee 9	C.9
376	C.6	Note by the Chairman of Committee 6 to the Chairman of the Conference	PL
377	C.8	Note by the Chairman of Committee 8 to the Chairman of Committee 7	C.7
378	C.8	Note by the Chairman of Committee 8 to the Chairmen of Committees 7 and 9	C.7,9

No.	Origin	Title	Destination
379 +Corr. 1	WG PL-B	Second and Final Report by the Chairman of Working Group PL-B to the Plenary Meeting	PL
380	SG	Candidacies for the posts of Director of the CCIR and of the CCITT	PL
381 (Rev. 1)	SG	Candidacies for the posts of member of the IFRB	PL
382	SG	Transfer of Powers - Republic of Fiji - Papua New Guinea	PL
383	C.4	Report by the Chairman of Committee 4 to the Plenary Meeting (Fifth Report of Committee 4)	PL
384 +Corr.1	SG	Candidacies for the elections to the Administrative Council	PL
385	ALG, ARS, B,BFA,CAN, CHN, HNG, NIG	Consolidated text for point 74 (Constitution, Article 10) - Re-election of members of the IFRB	C.7
386	C.4	Arrears	C.4
387	C.8	Fourth series of texts from Committee 8 to the Editorial Committee	C.10
388 (Rev.1)	*)	Contributions to the work of the Conference - Elements involved in a global approach to certain important Conference questions	PL
389	SG	Member's Contributions, Republic of Korea	PL
390	PL	Minutes of the seventeenth Plenary Meeting (not yet published)	PL
391	C.8	Note by the Chairman of Committee 8 to the Chairman of Committee 4	C.4 (C.10 for information)

*) ALG, D, AGL, ARS, ARG, AUT, BHR, BGD, BEL, BEN, BTN, BOT, B, BFA, BDI, CME, CPV, CAF, CHL, CHN, CYP, CLM, COM, COG, CTR, CTI, DJI, EGY, UAE, E, ETH, FNL, F, GAB, GMB, GHA, GRC, GUI, IND, INS, IRN, IRQ, ISL, I, JMC, JOR, KEN, KWT, LSO, LBN, LBR, LBY, LIE, LUX, MDG, MWI, MLD, MLI, MLT, MRC, MEX, NGR, NIG, NOR, OMA, UGA, PAK, PRG, PRU, PHL, POR, QAT, SYR, RRW, SEN, SDN, CLN, S, SUI, SUR, SWZ, TZA, TCD, TGO, TUN, VTN, YEM, YMS, YUG, ZAI, ZMB

No.	Origin	Title	Destination
392	C.8	Fifth series of texts from Committee 8 to the Editorial Committee	C.10,4
393		Note by the Chairman of Committee 4 to the Chairmen of Committees 7, 8 and 9 and to WG PL-A, B and C	C.7,8,9 and WG PL-A,B,C
394 (Rev.3)	*)	Draft alternative Resolution No. COM5/1 - Adjustment of Pensions	PL
395	C.4	Summary Record of the ninth meeting of Committee 4 (not yet published)	C.4
396	C.7	Summary Record of the twenty second meeting of Committee 7 (not yet published)	C.7
397	C.7	Summary Record of the twenty third meeting of Committee 7 (not yet published)	C.7
398	C.9	Summary Record of the fourteenth meeting of Committee 9 (not yet published)	C.9
399	C.9	Summary Record of the fifteenth meeting of Committee 9 (not yet published)	C.9
400	SG	List of documents (351 to 400)	-

*) ALG, ARS, B, CME, CAN, CPV, CAF, CYP, FNL, F, GRC, GUI, IRN, LBN, MLI, MLT, MRC, S, SUI